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UNIVERSITY OF CALIFORNIA  
LOS ANGELES

*Romæ Antiquæ Notitia:*

2

O R, THE

A N T I Q U I T I E S  
O F  
R O M E.

In TWO PARTS.

I. A Short HISTORY of the *Rise, Progress, and Decay* of the COMMONWEALTH.

II. A Description of the CITY: An Account of the *Religion, Civil Government, and Art of War*; with the Remarkable Customs and Ceremonies, Public and Private.

With *Copper CUTS* of the Principal Buildings, &c.

To which are prefixed Two ESSAYS, concerning the Roman LEARNING, and the Roman EDUCATION.

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By *BASIL KENNETT*, of C. C. C. Oxon.

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— Nec desinat unquam  
Tecum Graia loqui, tecum Romana vetus. — Claudian.

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The ELEVENTH EDITION.

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D U B L I N.

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MDCCLXVII.





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1767

To His HIGHNESS the

# DUKE of GLOUCESTER.

SIR,

AMONG all the Noble Pre-  
fages of *Wit* and *Honour*, there  
is not one by which YOUR  
HIGHNESS hath given greater En-  
couragement to the Hopes of these  
Kingdoms, than by a surprizing Cu-  
riosity, and impatient Desire of Know-  
ledge. For the satisfying so generous  
Inclinations, YOUR HIGHNESS cannot  
but seek an early Acquaintance with  
the *Roman State*. It must needs please

A 2

You,

1029756

## *The Epistle Dedicatory.*

You, SIR, to understand the Constitution of that People, before You appear the Rival of their Glory: And the first Steps to both these Attainments will be alike uneasy. Many Fatigues are to be undergone, ere You surpass them in Action and Conduct: And in the same Manner, before You are introduced into the more delightful Scenes of their Policy and Government, YOUR HIGHNESS should be *first* presented with the rougher Prospect of their Customs and Ceremonies.

For Your Direction in so noble, though intricate, a Path of Antient Story, YOUR HIGHNESS is desired to accept this small Endeavour, no otherwise, than You would a few Shadows, or a little Model, to give You, SIR, the first Notion of some admired Picture, or some magnificent Building.

THESE

## *The Epistle Dedicatory.*

THERE is one Custom, which, I make myself believe, YOUR HIGHNESS will read with some Pleasure; I mean, SIR, the TROJAN GAME, a Martial Exercise performed by the Youth of the First Quality in *Rome*, under such a Captain as YOURSELF; and deriving its Original from young *Ascanius*, whom I need not fear to mention as YOUR Precedent, since you have already honoured him with YOUR Imitation.

IT may be expected, perhaps, that, out of the many Illustrious *Romans*, I should here propose to YOUR HIGHNESS some of the most celebrated Examples of *Virtue* and great *Atchievements*. But this would prove a needless Piece of Service; since You cannot miss YOUR Way in the Pursuit of the *First*, while YOUR HIGHNESS goes on, like the *Trojan Prince*,

*Matre Dea monstrante Viam.*

## *The Epistle Dedicatory.*

And to the *Second*, the short Advice,  
which that Hero gave his Son, will  
engage You as the highest Motive:

—*Te, animo repetentem exempla tuorum,*  
*Et Pater Æneas, & Avunculus excitet Hector.*

*I am, S I R,*

Y O U R H I G H N E S S ' S

*Most Humble, and*

*Most Obedient Servant,*

Basil Kennett.

## P R E F A C E.

**T**HE Usefulness of such a Design as this not being like to be called in question, I am obliged no farther, than to give a short History of what Attempts have hitherto been made of the same Nature, with some Account of the present Undertaking.

Not to make a Catalogue of the many Tracts on particular Subjects of Roman Antiquities, the Two Authors most in Use for this Knowledge are Rosinus and Godwin; the first as a full System, the other as an Abridgment or Compendium. We have nothing more complete than Rosinus taken all together: But he will appear very deficient in many Points, if compared with other learned Men, who have laboured in the adorning of some one Part of his General Subject. Thus, I believe, his Book of War has scarce been looked into since the Publishing of Lipsius's admirable Comment on Polybius. His Accounts of the Habits, Senate, Laws, and Funerals, will never be set in Competition with the more accurate Pieces of Ferrarius and Rubenius, of Paulus Manutius and Kirchman. Not to urge, that the Names, the Money, the Private Games, with several lesser Topics, are entirely omitted; and many more substantial Customs but lightly touched. The Paralipomena of Dempster, which are added in the best Editions, under the Name of Notes on this Author, seem for the most

## P R E F A C E.

Part, barely a Transcript of Common Places, gathered from the Classics and other Writers, with little Connection; and therefore though they serve, now and then, for a Supplement to Rosinus, yet it is impossible they should be very instructive.

Godwin's Anthologia (which we usually meet with in our Schools), besides that it wants all the Advantages which we have received from the Learned within these thre-score Years, is so short and unsatisfactory, in Subjects of the greatest Consequence; so crowded with Phrases, which are to be found in all our Dictionaries; so stuffed with long Passages of Latin untranslated; has so little Method, and runs so dry and heavy in the Reading, that I fancy, it is a general Wish it were exchanged for something else in the same Kind, of greater Use and more agreeable Entertainment.

For Cantelius de Romana Republica, to me the Jesuit seems very unhappy, that by spending half his Book in giving us a long Relation of the Roman Wars, Battles, Deaths, &c. which most Persons would rather learn from the Original Historians, he has so straightened himself in the remaining Part, as to pay for no extraordinary Epitomizer. Besides that he cannot spare Room to set down one Word of Authority for what he says.

As for these Papers: The two Essays of the Roman Learning and Education are, I think, what has not been before attempted in any Language; and on that account will be the more easily pardoned, if not the better accepted in the World. The Contenious History of the Rise, Progress, and Decay of the State, has this at least to say for itself, that it carries its own Credentials along with it, in constant References to the Antient Writers. I will

## P R E F A C E.

*will not here compose a Table of Contents for the Second Part, which has run out into such Length, as to make the Body of the Work; only I may hint, in a Word or two, that the many Omissions of Rosinus and Godwin are largely supplied, and scarce any Thing material (that I know of) passed by. That the City, with the famous Structures of all Sorts, are described from the Relations of Eye-witnesses, and Authors of Credit: That the Laws, which occur in the best Classics, and often prove a great Hindrance to the Reader, are disposed under proper Heads in a very convenient Manner; and the truest Account of their Import, and the Time when they were made, collected from the most approved Commentators, and from the admired Treatise of Manutius: That in some Subjects it was thought proper to follow, for the most Part, one particular Author, who had managed his Province with universal Approbation: As Siganus in the Comitia and the Judgments: Lipsius in the Art of War, in the Gladiators, and in the Names: Kirchman in the Funerals; and Brerewood in the Account of the Money: That the curious Remarks of Scaliger, Casaubon, Grævius, Monsieur and Madam Dacier, are inserted on many Occasions: In short, that no Pains or Charges have been spared, which might render the Attempt truly serviceable, to the good End for which it was designed, the Pleasure and Benefit of the Reader.*

*The great Incorrectness of the Second Edition, was occasioned by the Haste, and the Necessities, of the then unfortunate Proprietor; from whom no Sight of the Sheets could be obtained, till the whole was so dishonourably finished. Yet the necessary Alterations and Additions, before given in, were inserted*

*in*

## P R E F A C E.

*in their Places. It was, and is, with all Gratitude, acknowledged, that the best part of this Assistance hath been afforded by the late noble Collections of the excellent Grævius; a Catalogue of which is here subjoined. The Compiler wishes it may be imputed not to Idleness, but to Design, that he hath borrowed only a Mite from that Treasury. For intending an Abridgment, not a full Body, he thought it alike unreasonable, either to swell the Bulk above the Name and Use, or to forbear such Improvements, as could scarce in Honesty be denied: Either to burthen the Reader for the Bookseller's Advantage, or, under a Pretence of easing the former, to injure both. This new Impression has not only been amended by careful Supervisal, but adorned by the Beauty of the Letter, and of the additional Sculptures. But the chief Recommendation of the Design is owing to the favourable Acceptance, and kind Encouragement of private Persons and of Societies, especially of a Royal and most flourishing Seminary, to which our Thanks can be returned in no better Wishes, than that it may for ever continue in the same happy State, and under the like prudent Government and Direction.*



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## I N D E X Rerum & Verborum.



## E S S A Y I.

### *Of the Roman Learning.*

W HOEVER considers the strange Beginning of the *Roman State*, the Frame and Constitution on which it was first settled, together with the Quality of the original Members, will think it no Wonder, that the People, in that early Age, should have a kind of Fierceness, or rather Wildness in their Temper, utterly averse to every Thing that was polite and agreeable. This savage Disposition by Degrees turned into a rigid Severity, which encouraged them to rely solely on the Force of their native Virtue and Honour, without being beholden to the Advantages of Art, for the Improvement of their Reason, or for the Assistance of their Courage. Hence a Grossness of Invention passed current with them for Wit, and Study was looked on as an unmanly Labour: Especially, while they found, that their exact Discipline and unconquered Resolution, rendered them Masters of Nations much more knowing than themselves. All this is frankly acknowledged by their own Authors: *Literæ in Homine Romano* go for a Wonder with *Tully* (a). And *Virgil*, in a Reign when all the Civility and Learning of the World were transplanted to *Rome*, chuseth to make the Arts of Government and War the distinguishing Excellencies of his Country-men.

*Excedunt alii spirantia mollius æra:  
Credo equidem, vivos ducat de marmore vultus ;  
Orabunt causas mollius, cælique meatus  
Desribent radio, & surgen ia fidera dicent.  
Tu regere imperio populos, Romane, memento ;*

(a) *De Nat. Dscr.* lib. 1. *De Senectute.*

*Hæ tibi erunt artes: pacisque impñnere morem,  
Parcere subiectis, & debellare superbos (a).*

Others shall best inspire the mimic Brafs,  
Or out of Marble carve a living Face;  
Plead with more Force, and trace the heavenly Roads,  
Describing the wide Empire of the Gods;  
The wandring Stars to steady Rules confine,  
And teach expecting Mortals when they'll shine.  
Thee Heavens, brave *Roman*, form'd for high Command;  
Be these thy Arts, from the victorious Hand  
To make glad Nations own their Peace beslow'd,  
To spare the Suppliant, and pull down the Proud.

The Reaſon which *Horace* gives for the slow Advances of Poetry, will hold in every other Part of polite Learning.

*Seruſ enim Græcis admovit acumina chartis (b).*

Their little Acquaintance with the fine Writers of *Greece*, who had settled the Emporium of Arts and Learning in that Country, deprived them of an Opportunity to cultivate and beautify their Genius, which was formed by Nature capable of the highest Attainments. Some Kind of Poetry, indeed, they had in their rustic Times; but then the Verſes were ſuch rude doggrel Stuff, as old *Ennius* describes:

— *Qyalis Fauni vatesque caneabant,  
Quom nequc Musarum scopulos quisquam superarat,  
Nec dicti studiosus erat.*

*Cicero* is inclined to think, That the old *Romans* might probably have gained ſome little Knowledge in Philosophy from the Instructions of *Pythagoras*, the famous Author of the *Italick Sect*, who flourished in *Italy* about the ſame Time as the *Tarquins* were expelled the City. But the antient Cuf-tom of Singing to the Flute the Praifes of famous Men, at great Entertainments, is the only Relique he can find of this Doctrine, which was delivered in Poetical Numbers (c).

Their Intercourſe with *Greece* begun upon their undertaking the Defence of that Country, againſt *Philip* of *Macedon*, who had a Design on its Liberty, about the Year of *Rome* 555; when, according to their usual Practice, under

(a) *Aeneid.* 6. (b) Lib. 2. Epift. 1. (c) *Cicero Tusc. Quest.* lib. 4. the

the Name of Deliverers, they made themselves rather the Masters of that People. And then,

*Græcia capta ferum victorem cepit, & artes  
Intulit agresti Latio (a)*

The greatest Number of eminent Poets, especially Dramatic Writers, flourished between the End of the first and the Third Punic Wars ; or from the Year of the City 512 to 607. The most considerable were *Livius Andronicus, Naevius, Ennius, Pacuvius, Accius, Cæcilius, Plautus, Afranius, Terence, and Lucilius*. And therefore Horace means only the first Punic War, when he says,

*Et post Punica bella quietus querere cœpit,  
Quid Sophocles, & Thespis & Æschylus utile ferrent:  
Tentavit quoque, rem si dignè vertere posset (b).*

The Studies of Philosophy and Rhetoric never made any tolerable Progress before the Arrival of the Achæians, who in the Year of Rome 586 or 587, to the Number of a Thousand, or more, were sent for out of their own Country, where they had shewed themselves disaffected to the Romans, and were dispersed in several Parts of Italy. Among these was the famous *Polybius* the Megalopolitan, whose great Parts and Learning not only gained him the entire Friendship of *Scipio Æmilianus* and *Lælius*, two of the greatest Romans in that Age, but procured also the Release of all his Countrymen that remained after being some Years in Exile.

Most of that Company, though not equal to *Polybius*, yet being the principal Members of the chief Cities in Greece, brought away a great Share of the Politeness and refined Arts of that Country : And being now reduced to a State of Life, which took from them all Thoughts of public Action, they applied themselves wholly to the Pursuit of Letters, as well to divert the sad Reflections on their Banishment, as to improve and cultivate their Mind (c).

In a few Years their Examples and Instructions had wrought such a strange Conversion in the Roman Youth, that the Senate, fearing lest the antient Discipline should by these Means be corrupted, and the Minds of the People softened and enervated by Study, consulted how to put a Stop to this Vein of Politeness, so contrary to the rough

(a) *Hor. Lib. 2. Epist. 1.* (b) *Ibid.* (c) *Vid. Cesauon. Chronol. ad Polyb. & Comment. ad Sueton. de Grammat.*

and warlike Dispositions of their Ancestors. To this Purpose we meet with a Decree bearing Date in the Consulship of *C. Fannius Strabo* and *M. Vulcius Messala*, A. U. C. 592; by which it appears, that whereas Marcus Pomponius the Praetor had made a Report to the Senate about the Philosophers and Rhetoricians, the Fathers did hereby order the aforesaid Praetor to take Cognizance of the Business, and to suffer no such Men in Rome (a).

The eager Passion for Learning, which this Prohibition had in some Measure allayed, broke out with greater Heat and Force about sixteen Years after, upon this famous Occasion, as has been mentioned by several Authors (b).

The Athenians having plundered Oropus a City of Boeotia, the Inhabitants made their Complaint to Rome; the Romans referring the Case to the Judgment of the Sicyonians, a Mulct of 500 Talents was imposed on the Athenian State. Upon this Account it was resolved, that Commissioners should be sent to the Roman Senate, to procure a Mitigation of the Fine. The Persons pitched on for this Service were Carneades the Academic, Diogenes the Stoic, and Critolaus the Peripatetic. About the Time of their coming, Authors are very little agreed; but Petavius and Causabon fix it in the six hundred and third Year after the Building of Rome. Most of the studious Youths immediately waited on the old Ambassadors at their Arrival, and heard them discourse frequently, with Admiration. It happened too, that they had each of them a different Way in their Harangues; for the Eloquence of Carneades was violent and rapid; that of Critolaus neat and smooth; that of Diogenes modest and sober. Carneades one Day held a full and accurate Dispute concerning Justice; the next Day he refuted all that he had said before, by a Train of contrary Arguments, and quite took away the Virtue that he seemed so firmly to have established. This he did to shew his Faculty of confuting all manner of positive Assertions; for he was the Founder of the Second Academy, a Sect which denied that any Thing was to be perceived or understood in the World, and so introduced an universal Suspension of Assent. It soon flew about the City, that a certain Grecian (by whom they meant Carneades,) carrying all before him, had impressed so strange a Love upon the young Men, that, quitting all their Pleasures and Pastimes, they run mad, as it were, after Philosophy. This

(a) Sueton. de Clas. Grammat. cap. 1. A Gell. lib. 15. cap. 11. (b) Plut. in Cat. major. A Gell. lib. vii. cap. 14. Macrob. Stat. 1. cap. 15.

to the Generality of People was a very pleasing Sight, and they rejoiced extremely to find their Sons welcome the *Grecian* Literature in so kind a Manner. But old *Cato* the *Censor* was much concerned at this, lest the Youth, being diverted by such Entertainments, should prefer the Glory of Speaking, to that of Acting. So that the Fame of the Philosophers encroaching, he resolved to get as quickly rid of them as possible. With this Design, coming into the Senate, he accused the Magistrates for not giving the Ambassadors a speedier Dispatch; they being Persons who could easily persuade the People to whatever they pleased. He advised therefore, that in all Hst something should be concluded on, that being sent Home to their own Schools, they might declaim to the *Grecian* Children; and the *Roman* Youth might be obedient to their own Laws and Governors, as formerly.

The same grave Disciplinarian, to deter his Son from anything practised by the *Grecians*, used to pronounce, with a Voice like an Oracle, in a harsher and louder Tone than ordinary, *That the Romans would certainly be destroyed, when they began once to be infected with Greek.* But it is very likely, that he afterwards altered his Mind; since his learning Greek in his old Age is a known Story, and depends on good Authority (a). The Lord Bacon says, *'Twas a Judgment upon him for his former Blasphemies* (b).

The Ambassadors, upon the Motion of *Cato*, had a quick Dismission, but left to happy an Inclination in the *Roman* Youth to Philosophy and good Letters, that they grew every Day more enamoured of Study; and shewed as much Diligence in their Pursuits of Knowledge, as they had ever done in their Applications to War.

In the Year of the City 608 or 609, *Greece*, which had hitherto retained some Shadow of Liberty, though it had been a long while at the *Romans* Command, was, upon some slight Occasion, entered with an Army under *L. Mummius*, and reduced to the common State of the other conquered Nations. This Exploit happening in the very same Year that *Carthage* was destroyed by *P. Scipio Aemilianus*, it will be very pleasant to observe the different *Genius* of the two Commanders, who had the Honour of these Achievements; and to see how Politeness and the antient Sim-

(a) *Cicero Academ.* i. *De Senect. Quinctilian. Inst.* lib. 12. cap. 11.

(b) *Advancement of Learning, Book 1.*

plicity were at Strife in *Rome*. *Mummius* was so far unskil-  
led in the curious Inventions of Art, that after the taking  
of *Corinth*, when a great Number of admirable Pictures and  
Statues, by the best Masters, came into his Hands, he told  
the Servants that were to carry them into *Italy*, *If they lost*  
*any by the Way, they should certainly find him new ones in*  
*their Room* (*a*).

*Scipio*, on the other Hand, to the Courage and Virtue of  
antient Heroes, had joined a profound Knowledge of the  
Sciences, with all the Graces and Ornaments of Wit. His  
Patronage was courted by every one that made any Figure  
in Learning. *Panætius*, whom *Tully* calls the Prince of the  
Stoics, and the incomparable Historian *Polybius*, were his  
Bosom-Friends, the Assistors of his Studies at home, and  
the constant Companions of his Expeditions (*b*). To which  
may be added the Remark of a very great Man, *That he*  
*passed the soft Hours of his Life in the Conversation of Terence,*  
*and was thought to have a Part in the Composition of his Co-*  
*medies* (*c*).

The highest Pitch of the *Roman* Grandeur, in the Time  
of the Commonwealth, is thought to have been concluded  
before the final Reduction of *Carthage* and of *Greece* (*d*);  
and the common Reason assigned for its Decay is, that  
*Athens*, being now become the Mart of the World for Wit  
and Breeding, imported the Arts of Debauchery, among  
her noble Productions, to *Rome*; and maintained their Lux-  
ury, as well as their Studies and Conversation, at her  
Charge. But however their antient Prowess might decline,  
it is certain, the Conquest of the great Empire of *Science*  
was now carried on more vigorously than ever. The Tide  
of Learning and Humanity ran every Day with greater  
Force, and, after the famous *Cato*, scarce met with any  
to oppose it. Between this Period and the Death of *Sylla*  
(scarce seventy Years,) the most renowned Orators *Craffus*  
and *Antony* ruled the *Forum*, who were succeeded by *Sul-*  
*picius*, *Cotta*, *Hortensius*, and other great Names recorded  
by *Tully* in his *Brutus*. At the same Time, the two *Scæ-*  
*wala's*, the *Augur* and the *Pontiff*, advanced Civil Law to  
its full Perfection. And *Lucretius* (who wrote about the  
Time of the *Jugurthine War*) as he excelled even the  
*Grecian* Disciples of *Epicurus*, in explaining and defending

(*a*) *V H. Patere*, lib. 1. cap. 12. (*b*) *Ib.* (*c*) *Sir Will. Temple's Miscel.*  
*P. 2. Essay 4.* (*d*) *Vid. Cajalton. Chronolog. ad Polyb.*

his Doctrine, so he directs us where to begin, in fixing the Height and Purity of the *Roman Poetry and Style* (*a*). Philosophers were now in universal Honour and Request, being invited from all Parts for the Education and Instruction of young Patricians, and for the Advice and Assistance of the great Ministers of State. And what is most surprising, Arts and Civility were rather encouraged, than frightened away by the Wars ; and the Muses, like their Patroness *Minerva*, had very often their Residence in the Camp. *Sylla* himself wrote two and twenty Books of Memoirs (*b*), and contributed, in an extraordinary Manner, to the Advancement of Knowledge, by transporting to *Rome* the famous Library of *Apellicon* the *Peripatetic*, in which were most of the Works of *Aristotle* and *Theophrastus* which had been long unknown to the greatest Part of their Followers (*c*).

*Sylla's* Rival, *Marius*, was the only Man of Note, in that Age, who retained the old Ferocity and unpolished Manner of the first *Romans*. He, indeed, would never study *Greek*, nor suffer that Language to be used in any Matters of Consequence ; as thinking it ridiculous to bestow Time in that Learning, the Teachers whereof were little better than Slaves (*d*).

But then *Lucullus*, who succeeded *Sylla* in the military Glory, as to Matters of Learning was much his Superior. In his Youth he had so absolute a Command of the two only Tongues then in Use, that upon a Project of compiling a History, he fairly took his Chance, whether he should write in *Greek* or *Latin*, in Prose or Verse. And after all his Feats of Arms in the *Mithridatic War*, when he was deprived of his Command by the prevailing Faction of *Pompey*, the great Employment of his Privacy and Retreat was the promoting of Knowledge. With this Design he built a Library, furnished it with a vast Number of Books fairly transcribed, and made it free to all Visitants. The Walks and Schools, which he raised near the Library, were always full of *Grecians*, who retiring hither from Business, diverted one another with Conferences and Debates, in the same Manner as was used in their own Country ; making Advantage of friendly Conversation, toward the Improvement of their Understandings. *Lucullus* himself often studied here, sometimes disputed with the learned

(*a*) Sir Will. Temple's *Miscel.* P. 2. Essay 1.

(*b*) Plutarchus in *Sylla*.    (*c*) Ibid. & Strabo. lib. 13.    (*d*) Plutarch. in *Mario*.

Men, and sometimes giving his Advice in Matters of State, to those that desired it; though he meddled with no public Business in Person. He was very well versed in all the Sects of Philosophy, but adhered closely to the old Academy; whereas his Friend *Cicero* was a great Advocate for the new. Hence it is, that we find the latter Book of the *Academic Questions* inscribed to *Lucullus*; where that great Man is brought in defending the Opinions of his Sect (a).

The whole Majesty of Language, and Height of Eloquence, shone out, as it were, all at once, in *Tully*; so that *Paterculus* has well observed, *Delectari ante eum paucissimis, mirari vero neminem possis, nisi aut ab illo visum, aut qui illum viderit* (b).

Perhaps the same Remark will hold good in his Philosophy; or, at least, with respect to his Predecessors, the latter Study will yield an equal Praise with the former. For to handle this Subject in Latin Prose, was purely a new Province reserved for his Management, and left untouched until that Time by the Learned. Thus much he lets us know in several Parts of his Works, particularly in his Poem to the *Tusculan Questions*; where at the same Time he gives us a short Account of the Progress and Advances of Arts among the *Romans*, infinitely worth the transcribing. *Meum semper judicium fuit, &c.* It was always my Opinion, says he, That either our Countrymen have been more happy in their Inventions of every Kind, than the Greeks; or, That they have made a vast Improvement in whatever they borrowed from that Nation, and thought worth their while to polish and refine. For as to the Conduct of Life, and the Rules of Breeding and Behaviour, together with the Management of Family Concerns, we are Masters of more Exactness, and have a much genteeler Air. If we ascend to the Governing and Regulating of public States, our Ancestors may justly claim the Preference in this Part of Wisdom, on Account of their admirable Laws and Institutions. In military Affairs we have made a more considerable Advance than any before us; which is owing no less to our Discipline, than to our Native Bravery.

'Tis true, Greece has always had the Renown beyond us for their Attainments in every Part of Learning, and it was an easy Matter to conquer, when they met with no Opposition. Poetry, the most ancient Sort of Writing, had but a late Reception among

(a) *Plutarchus in Lucullus.*

(b) *Eleg. lib. i. cap. 17.*

us: For Livius Andronicus presented his first Dramatic Piece, 510 (it should be 514) Years after the Building of Rome, in the Consulship of C. Claudius, Son to Appius Cæcus, and M. Tuditanus, a Year before the Birth of Ennius, who is Senior to Plautus and Nævius.

As he goes on, he attributes the slow Progress of Poetry to the want of due Reward and Encouragement, and tells us, that, in a public Oration of *Cato*, it was objected as a Reproach to *Marcus Nobilior*, that he carried the Poet *Ennius* with him into *Ætolia*, when he went to reside there as Governor. That there was no Part of the *Mathematics* (which the *Grecians* esteemed so honourable a Study) of Use in *Rome*, but the bare Knowledge of Mensuration, and Arithmetic. As to Oratory, he observes, that the *Romans* embraced it very soon, but at first without the Advantages of a learned Institution; which were afterwards added with so much Success, as to set them on equal Terms with the most eloquent Masters of *Greece*: But that Philosophy had lain neglected till that Time, and had met with no eminent Author to adorn it in the *Latin Tongue*. This therefore he professeth to undertake as his proper Office; and how happily he succeeded in the Attempt, his Works on that Subject will be a lasting Argument.

If we compare *Tully* with his Friend *Atticus*, we find them both together answering the two excellent Ends of Philosophy, the Service of the Public, and the private Ease and Tranquillity of an inoffensive Life. The Former directed all his Studies to Action, in the Defence of the Commonwealth, and the Opposing of all Designs on its Liberty: The Latter, never entering the Scene of Business, made himself equally honoured and courted by all Parties, from *Sylla* to *Augustus Cæsar*. The one gained to himself more Glory, the other more hearty Love and Esteem; and I believe most Persons would be inclined to follow *Atticus*, and to commend *Cicero*.

*Crassus*, *Pompey*, *Antony*, *Cæsar*, *Cato*, and *Brutus*, who made such a Noise in the World, almost all at the same Time, were the most refined Scholars of their Age. The three first indeed confined themselves to the Practice of Eloquence, till they were wholly diverted by the Profession of Arms. But the three last, as they outshone the former in Oratory, so they had made much greater Advances in the other Parts of Human Learning. Poetry and Philosophy were the Diversions of *Cæsar's* leisure Hours; and his Commentaries will be the Model of good Language, as long as himself is the Example of great Achievements.

The whole Conduct of *Cato's* Life shews him a greater Stoic than the most rigid Professors of that Sect; or, however they might equal him in Knowledge, 'tis certain he shamed them in Practice.

*Brutus* had been a Hearer of all the Sects of Philosophers, and made some Proficiency in every one. When a Soldier under *Pompey*, in the Civil Wars, all the Time that he was in the Camp, except what he spent in the General's Company, he employed in Reading and Study. And the very Day before the decisive Battle at *Pharsalia*, tho' it was then the Middle of Summer, and the Camp under many Inconveniences, and he himself extremely harassed and out of Order; yet, while others were either laid down to sleep, or taken up with Apprehensions about the Issue of the Fight, he spent all his Time, 'till the Evening, in writing an Epitome of *Polybius* (a).

It is universally known, that the *Roman* Literature, as well as Empire, was in its highest Ascendant under *Augustus*. All the delicate Fruits transplanted from *Greece* were now in their Blossom, being cherished by the Calmness of the Season, and cultivated by the Hand of an Emperor.

I have often wondered, that *Mæcenas* should carry away the sole Honour of encouraging the Wit and Knowledge of this Reign; when it seems probable, that he acted only in Imitation of his Master; as the Humours of Princes commonly determine the Inclinations of their Favourites. The quite contrary happened to the other great Minister *Agrippa*; the Glory of his Exploits was referred to the Emperor, while the Emperor's Bounty advanced *Mæcenas's* Esteem. And, indeed, the Celebration of *Augustus's* Triumphs and the Panegyrics on his Piety were sufficient to set him out in the most glaring Colours: But had *Mæcenas* been denied the shining Character of a Patron, he might have rolled on in Silence among *Epicurus's* Herd, and we should scarce have seen him drawn by the Poet's Hand, unless in the same Posture as *Silenus*.

*Inflatum bæsterno venas, ut semper, Iaccho:*  
*Serta procul capiti tantum delapsa jacebant,*  
*Et gravis attritus pendebat cantharus ansa* (b).

(a) *Plutarch.* in *Bent.*

(b) *Virgil.* Eclog. 6.

But

But whoever of the Two was the nobler Patron, *Augustus* must be acknowledged to have been the greater Scholar. And for Proof, we need go no further than *Suetonius*, who has spent no less than six Chapters on the Learning of this Emperor. His prodigious Industry in the Study of Eloquence and liberal Arts; his Labour in composing every Thing that he spoke in Public, tho' he had a very good Faculty at *extempore* Harangues; his polite and clear Style, his accurate Knowledge of the *Grecian* Literature, by the Assistance of their best Masters of Rhetoric and Philosophy; the Thirteen Books of the History of his own Life; his Exhortation to Philosophy, with several other Works in Prose; his Book of Hexameters, and another of Epigrams: all considered together, may equal him with the most learned Princes in History.

Being thus arrived at the highest Point of the *Roman Attainments*, it cannot be unpleasant to look about us, and to take a short Survey of the Productions in every Kind. Eloquence indeed will appear at some Distance, rather in the *Augustan Age*, than in *Augustus's Reign*, ending in *Cicero*, at the Dissolution of the Commonwealth. Not that his Death was properly the Ruin of his Profession; for the Philosopher might have lived much longer, and yet the Orator had been gone, when once the antient Liberty was taken away, which inspired him with all his lofty Thoughts, and was the very Soul of his Harangues. But then the Bounds of History and Poetry were fixed under the Emperor's Protection, by *Livy*, *Virgil*, and *Horace*. And if we desire a View of Philosophy, the Two Poets will account for that, as well as for their own Province.

I think none will deny *Horace* the Elogy given him by a celebrated Writer, *That he was the greatest Master of Life, and of true Sense in the Conduct of it (a)*. Especially since the Author of that Judgment is one of those whom (had he lived then) *Horace* himself would have willingly chose for his Judge; and inserted in that short Catalogue of Men of Wit and Honour, whom he desired should approve his Labours (b).

Whether or no the common Saying be true, that if all Arts and Sciences were lost, they might be found in *Virgil*, it is plain, he dived very deep into the Mysteries of natural Science, which he sets forth in all its Ornaments, in several Parts of his sublime Work. And in that admirable Place of

(a) Sir Will. Temple's *Miscel.* p. 2. Essay 2.

(b) Book 1. Sat. 10.

his second *Georgic*, when he expresseth, in a Sort of Transport, his Inclinations to Poetry, he seems to direct its whole End towards the Speculations of the Philosophers, and to make the Muses Hand-Maids to Nature.

*Me verò primū dulces ante omnia Musæ,  
Quarum sacra fero, ingenti percussus amore,  
Accipiant; cœlique vias & sydera monstrant,  
Defectus solis varios, Lunæque Labores:  
Unde tremor terris; quâ vi maria ulta tumescant  
Obicibus ruptis rursusque in seipsa residant:  
Quid tantum Oceano properent je tingere soles  
Ilyberni; vel quæ tardis mora noctibus obflet.*

For me, the first Desire, which does controul  
All the Inferior Wheels that move my Soul,  
Is, that the Muse me her High-Priest would make,  
Into her holy Scenes of Mystery take,  
And open there, to my Mind's purged Eye,  
Those Wonders which to Sense the Gods deny :  
How in the Moon such Change of Shapes is found ;  
The Moon, the changing World's eternal Bound :  
What shakes the solid Earth : What strong Disease  
Dares trouble the far Centre's antient Ease :  
What makes the Sea retreat, and what advance ;  
*Varieties too regular for Chance :*  
What drives the Chariot on of Winter's Light,  
And stops the lazy Waggon of the Night.

Mr. Cowley.

After *Augustus*, the Roman Muses, as well as the Eagles, stooped from their former Height ; and, perhaps, one of these Misfortunes might be a necessary Consequence of the other. I am very sorry, when I find either of them attributed to the Change of Government and the Settlement of the Monarchy : For had the Maxims and the Example of *Augustus* been pursued by his Successors, the Empire, in all Probability, might have been much more glorious than the Commonwealth. But while a new Schemie of Politics was introduced by *Tiberius*, and the *Cæsars* began to act what the *Tarquins* would have been ashamed of, the Learning might be very well corrupted, together with the Manners and the Discipline, and all beyond any Hopes of a Recovery.

It

It cannot be denied, that some of the worst Princes were the most passionate Affectioners of Learning, particularly *Tiberius*, *Claudius*, and *Nero*: but this rather deterred other Men from such Attempts, than encouraged them in their Pursuits; while an applauded Scholar was as much envied as a fortunate Commander; and a Rival in Wit accounted as dangerous as a Contender for the Empire: The first being certainly the more hardy Combatant, who dared challenge his Masters at their own Weapons.

Whatever Essays were made to recover the languishing Arts under *Vespasian*, *Titus*, and *Domitian*, (for this last too was an Encourager of Poetry, tho' he banished the Philosophers,) scarce served to any better Purpose, than to demonstrate the poor Success of Study and Application, while the antient *Genius* was wanting.

In the six next Reigns immediately following *Domitian*, Learning seems to have enjoyed a Sort of lucid Interval, and the banished Favourite was again admitted to the Court, being highly countenanced and applauded by the best Set of Princes *Rome* ever saw.

Not to inquire after the Productions of the other Reigns, the useful Labours of *Tacitus*, *Suetonius*, and *Pliny Junior*, will make the Government of *Trajan* more famous than all his Feats of Arms. If they are less happy in their Language than the Antients, in other Respects, perhaps, they have overmatched them: The Historians in the Delicacy of their Politics, and the sincere Truth of their Relations; and the Orator in his Wit and good Sense. If we add to these *Plutarch*, who wrote most of his Works in *Rome*, and was honoured by *Trajan* with the Consulship, and *Quintilian*, who flourished a very little Time before; they may pass for the Twilight of Learning after the Sun-set of the *Augustan* Age; or rather be resembled to a glimmering Taper, which casts a double Light when it is just on the Point of expiring.

It is an Observation of Sir *William Temple*, That all the Latin Books, which we have till the End of *Trajan*, and all the Greek till the End of *Marcus Antoninus*, have a true and very estimable Value; but that all written since that Time, owe their Price purely to our Curiosity, and not to their own Worth and Excellence.

But the Purity of the Tongue was long before corrupted, and ended, in Sir *William Temple's* Judgment, with *Velleius Paterculus*, under *Tiberius*. The Reason he assigns for this Decay,

Decay, is the strange Resort of the ruder Nations to *Rome*, after the Conquest of their own Countries.

Thus the *Gauls* and *Germans* flocked in Multitudes both to the Army and the City, after the reducing of those Parts by *Julius Cæsar*, *Augustus*, and *Tiberius*; as many *Spaniards* and *Syrians* had done before, on the like Account: But the greatest Confluence of Foreigners followed upon the Victories of *Trajan* in the *East*, and his Establishment of the Three new Provinces, *Armenia*, *Affyria*, and *Mesopotamia*. And though *Adrian* voluntarily relinquished these new Acquisitions, yet the prodigious Swarms of the Natives, who had waited on his Predecessors Triumphs, were still obliged to live in *Rome*, in the Condition of Slaves.

The greatest Part of the succeeding Princes, who found it so hard an Enterprize to defend their own Territories, had little Leisure or Concern to guard the Possessions of the Muses. And therefore *Claudian* in those Verses of his *Panegyric or Stilico*,

*Hinc priscæ redeunt artes, felicibus inde  
Ingeniis aperitur iter, despectaque Musæ  
Colla levant;*

is guilty of a great Piece of Flattery, in making that Minister the Restorer of polite Studies, when it is plain, that in his Time (under *Honorius*) were the last Strugglings of the Roman State.

The *Goths* and *Vandals*, who soon carried all before them, might easily fright Learning and Sciences off the Stage, since they were already so much out of Countenance; and thus render the Conquerors of the Universe as rough and illiterate as their first Progenitors.

In this Manner, the Inundations of the barbarous People proved equally fatal to the Arts and Empire; and *Rome* herself, when she ceased to be the Mistress of the World, in a little Time, quite forgot to speak *Latin*.



## E S S A Y II.

### *Of the ROMAN EDUCATION.*

IT is an obvious Remark, that the strongest Body owes its Vigour, in a great measure, to the very Milk it received in its Infancy, and to the first knitting of the Joints : That the most stately Trees, and the fairest of Herbs and Flowers, are beholden for their Shade and Beauty to the Hand that first fixed them in an agreeable Soil : which Advantage if they happen to want, they seldom fail to degenerate into Wildness, and to assume a Nature quite different from their proper Species. Every one knows how to apply the same Observation to Morals, who has the Sense to discover it in Naturals. Hence the most renowned People in History are those, whose Lawgivers thought it their noblest and most important Work to prescribe Rules for the early Instruction of Youth. On this Basis *Lycurgus* founded the glorious Discipline of the *Spartans*, which continued for Five Hundred Years, without any considerable Violation. *The Indian Brachmans had a Strain beyond all the Wit of Greece, beginning their Care of Mankind even before their Birth, and employing much Thoughts and Diligence about the Diet and Entertainment of their Breeding Women; so far as to furnish them with pleasant Imaginations, to compose their Minds and their Sleep with the best Temper, during the Time that they carried their Burthens* (a).

*Plutarch* severely reprobates the Conduct of *Numa*, that, in his Settlement of the *Roman State*, he did not in the first Place provide and constitute Rules for the Education of Children;

(a) *Sir Will. Temple's Miscel.* P. 2. Essay 1.

and makes the Remissness in this early Discipline, the chief Cause of the seditious and turbulent Temper of that People, and what contributed highly to the Ruin of the Commonwealth (*a*). Thus much indeed seems agreed on by all the latter Historians, That in the looser Times of the Empire, the shameful Negligence of Parents and Instructors, with its necessary Consequence, the Corruption and Decay of Morality and good Letters, struck a very great Blow towards the dissolving of that glorious Fabric. But in the rising Ages of *Rome*, while their Primitive Integrity and Virtue flourished with their Arms and Command, the training up of Youth was looked on as a most sacred Duty; and they thought themselves in the highest Manner obliged to leave fit Successors to the Empire of the World. So that upon a short Survey of the whole Method of Discipline from the Birth to the Entrance on public Busines, they will appear so far to have exceeded the Wisdom and Care of other Nations, as to contend for this Glory, even with the antient *Spartans*, whom *Plutarch* has magnified so much beyond them: Especially, if we agree with a great Judge, That the taking no Care about the Learning, but only about the Lives and Manners of Children, may be justly thought a Defect in *Lycurgus's* Institution (*b*).

*Quintilian* (or *Tacitus*) in the Dialogue *de Oratoribus*, gives an excellent Account of the old Way of breeding Children, and sets it off with great Advantage, by comparing it with the modern.

“ As soon as the Child was born, he was not given in Charge to an hired Nurse, to live with her in some pitiful Hole that served for her Lodging; but was brought up in the Lap and Bosom of the Mother, who reckoned it among her chief Commendations to keep the House and to attend the Children. Some antient Matron was pitched on out of the Neighbours, whose Life and Manners rendered her worthy of that Office, to whose Care the Children of every Family were committed; before whom 'twas reckoned the most heinous Thing in the World to speak an ill Word or to do an ill Action. Nor had she an Eye only on their Instruction, and the Busines that they were to follow, but, with an equal Modesty and Gravity, she regulated their very Diversions and Recreations. Thus

(*a*) *Plutarch* Compar. of *Numa* and *Lycur.* (*b*) Arch-bishop *Tillotson's* Sermon of Education.

“ *Cornelia*

“ *Cornelia, Aurelia, and Attia, Mothers to the Gracchi, Julius Cæsar, and Augustus,* are reported to have undertaken “ the Office of Governesses, and to have employed them-selves in the Education of Noblemen’s Children. The “ Strictness and Severity of such an Institution had this “ very good Design, That the Mind, being thus preserved “ in its primitive Innocence and Integrity, and not de-bauched by ill Custom or ill Example, might apply it-self with the greatest Willingness to the liberal Arts, “ and embrace them with all its Powers and Faculties. “ That, whether it was particularly inclined either to the “ Profession of Arms, or to the Understanding of the “ Law, or to the Practice of Eloquence, it might make “ that its only Business, and greedily drink in the whole “ Knowledge of the favourite Study.

“ But now the young Infant is given in Charge to some “ poor Grecian Wench ; and one or two of the Servant-men, perhaps, are joined in the Commission ; generally the meanest and most ill-bred of the whole Pack, “ and such as are unfit for any serious Business. From the “ Stories and Tattle of such fine Companions, the soft “ and flexible Nature must take its first Impression and “ Bent. Over the whole Family there is not the least “ Care taken of what is said or done before the Child ; “ while the very Parents, instead of inuring their dear “ little Ones to Virtue and Modesty, accustom them, on “ the quite contrary, to Licentiousness and Wantonness, “ the natural Result of which is a settled Impudence, and “ a Contempt of those very Parents, and every Body “ else.”

Thus although the Care and Instruction of Youth, among the old *Romans*, had been provided for by the public Laws, as in the *Spartan State*, yet the voluntary Diligence of Parents would have made all such Regulations superfluous.

Among the Domestic Cares, it will not be from the Purpose to take particular Notice of one, which required little Trouble or Difficulty, and yet proved as beneficial and serviceable as any other Institution : I mean the using of Children to speak the Language purely at first, by letting them hear nothing but the truest and most proper Phrase. By this only Advantage several Persons arrived at no ordinary Repute in the *Forum*, who were so unhappy as to want many other Qualifications.

Tully says, that the *Gracchi* were educated, *non tam in gremio, quam in sermone Matris*: And he reports of *C. Curio* who was reckoned the third Orator of his Time, that he understood no Poet, had read no Books of Eloquence, had made no Historical Collections; and had no Knowledge of the public or private Part of the Law. The only Thing which gained him his Applause was a clear, shining Phrase, and a sudden Quickness and Fluency of Expression. This he got purely by the Benefit of his private Education; being used to a correct and polished way of speaking in the House where he was brought up. (*a*)

For Masters, in the first Place, they had the *Literatores*, or *τεγματίσαι*, who taught the Children to read and write: To these they were committed about the Age of Six or Seven Years (*b*). Being come from under their Care, they were sent to the *Grammar Schools*, to learn the Art of speaking well, and the understanding of Authors: Or more frequently in the House of great Men some eminent Grammatician was entertained for that Employment.

It is pleasant to consider, what Prudence was used in these early Years, to instil into the Childrens Minds a Love and Inclination to the *Forum*, whence they were to expect the greatest Share of their Honours and Preferments. For *Cicero* tells *Atticus*, in his Second Book *de Legibus*, That when they were Boys, they used to learn the famous Laws of the Twelve Tables by Heart, in the same Manner as they did an excellent Poem. And *Plutarch* relates in his Life of the younger *Cato*, That the very Children had a Play, in which they acted Pleadings of Causes before the Judges; accusing one another, and carrying the condemned Party to Prison.

The Masters already mentioned, together with the Instructors in the several Sorts of manly Exercises, for the improving of their natural Strength and Force, do not properly deserve that Name, if set in View with the Rhetoricians and Philosophers; who, after that Reason had displayed her Faculties, and established her Command, were employed to cultivate and adorn the Advantages of Nature, and to give the last Hand toward the forming of a *Roman Citizen*. Few Persons made any great Figure on the Scene of Action in their own Time, or in History afterwards, who, besides the constant frequenting of Public Lectures,

(*a*) *Cit. in Brut.*

(*b*) *Vid. Dacier in Horat. Sat. 1. Lib. 1.*

did not keep with them in the House some eminent Professor of Oratory or Wisdom.

I have often thought, That one main Reason of the prodigious Progress made by the *Roman* Youths, under these private Tutors, was the perfect Love and Endearment which we find to have been between Master and Scholar, by which Means Government and Instruction proceeded in the sweetest and easiest way. All Persons in the happy Ages of *Rome* had the Honour and Respect for their Teachers, as *Persius* had for his Master, *Cornutus* the *Stoic*; to whom addressing himself in his fifth Satire, he thus admirably describes his own Love and Piety to his Governor, and the strict Friendship that was between them.

*Cumque iter ambiguū est, & vitæ nescius error  
Diducit trepidas ramosa in compita mentes,  
Me tibi supposui: teneros tu fuscipis annos  
Socratio, Cornute, sinu; tunc fallere solers  
Apposita intortos extendit regula mores;  
Et premitur ratione animus, vincique laborat,  
Artificemque tuo dicit sub pollice vultum.  
Tecum etenim longos minime consumere soles;  
Et tecum primas epulis decerpere noctes.  
Unum opus, & requiem pariter disponimus ambo,  
Atque verecundâ laxamus seria mensa.  
Non equidem hoc dubites amborum fædere certo  
Consentire dies, & ab uno fidere duci.  
Nostra vel æquali suspendit tempora librâ  
Parca tenax veri, seu nata fidelibus hora  
Dividit in Geminos concordia fata duorum;  
Saturnumque gravem nostro Jove fregimus unâ.  
Nescio quod, certè est, quod me tibi temperat astrum.*

Just at the Age when Manhood set me free,  
I then depos'd myself, and left the Reins to thee:  
On thy wise Bosom I repos'd my Head,  
And by my better *Socrates* was led.  
Then thy strait Rule set Virtue in my Sight,  
The crooked Line reforming by the Right.  
My Reason took the Bent of thy Command;  
Was form'd and polish'd by thy skilful Hard,  
Long Summer-days thy Precepts I rehearse,  
And Winter-nights were short in our Converse.

One was our Labour, one was our Repose ;  
 One frugal Supper did our Studies close.  
 Sure on our Birth some friendly Planet shone,  
 And as our Souls, our Horoscope was one :  
 Whether the mounting Twins did Heaven adorn,  
 Or with the rising Balance we were born ;  
 Both have the same Impression from above,  
 And both have *Saturn's* Rage, repell'd by *Jove*.  
 What Star I know not, but some Star I find,  
 Has giv'n thee an Ascendant o'er my Mind.

DRYDEN.

Nor was the Reverence paid by the Public to the Informers of Youth less remarkable, than the Esteem and Duty of their Scholars. Which makes *Juvenal* break out into that elegant Kapture :

*Dii majorum umbris tenuem & sine pondere terram,*  
*Spirantesque crocos, & in urna perpetuum ver,*  
*Qui praeceptorem sancti voluere parentis*  
*Effe loco (a).*

In Peace, ye Shades of our great Grandfathers, rest ;  
 No heavy Earth your sacred Bones molest ;  
 Eternal Springs and rising Flowers adorn  
 The Reliques of each venerable Urn ;  
 Who pious Rev'rence to their Tutors paid,  
 As Parents honour'd, and as Gods obey'd.

C. DRYDEN.

At the Age of seventeen Years, the young 'Gentlemen, when they put on their *manly Gown*, were brought in a solemn Manner to the *Forum*, and entered in the Study of Pleading : Not only if they designed to make this their chief Profession, but altho' their Inclinations lay rather to the Camp. For we scarce meet with any famous Captain, who was not a good Speaker ; or any eminent Orator, who had not served some Time in the Army. Thus it was requisite for all Persons, who had any Thoughts of rising in the World, to make a good Appearance both at the Bar and in the Field ; because, if the Success of their Valour and Conduct should advance them to any considerable Post,

(a) Sat. 7.

it would have proved almost impossible, without the Advantage of Eloquence, to maintain their Authority with the Senate and People: Or, if the Force of their Oratory should in time procure them the honourable Office of *Prætor*, or *Consul*, they would not have been in a Capacity to undertake the Government of the Provinces, (which fell to their Share at the Expiration of those Employments) without some Experience in military Command.

Yet, because the Profession of Arms was an Art which would easily give them an Opportunity of signalizing themselves, and in which they would almost naturally excel, as Occasions should be afterwards offered for their Services; their whole Application and Endeavours were directed at present to the Study of the Law and Rhetoric, as the Foundations of their future Grandeur. Or, perhaps, they, now and then, made a Campaign, as well for a Diversion from several Labours, as for their Improvement in martial Discipline.

In the Dialogue *de Oratoribus*, we have a very good Account of this Admission of young Gentlemen to the *Forum*, and of the Necessity of such a Course in the Commonwealth; which, coming from so great a Master, cannot fail to be very pertinent and instructive.

" Among our Ancestors, says that Author, the Youth,  
 " who was designed for the *Forum* and the Practice of Eloquence, being now furnished with the liberal Arts, and  
 " the Advantage of a Domestic Institution, was brought  
 " by his Father, or near Relations, to the most celebrated  
 " Orator in the City. Him he used constantly to attend,  
 " and to be always present at his Performance of any Kind,  
 " either in judicial Matters, or in the ordinary Assemblies  
 " of the People: So that by this Means he learned to engage in the Laurels and Contentions of the Bar, and to approve himself a Man at Arms, in the Wars of the Pleaders.

" For in the antient Constitution of a mixed State, when the Differences were never referred to one supreme Person, the Orators determined Matters as they pleased, by prevailing on the Minds of the ignorant Multitude. Hence came the Ambition of popular Applause: Hence the great Variety of Laws and Decrees: Hence the tedious Speeches and Harangues of the Magistrates, sometimes carried on whole Nights in the *Rostra*: Hence the frequent Indictment and Impleading of the powerful

“ Criminals, and the exposing of Houses to the Violence  
“ and Fury of the Rabble: Hence the Factions of the  
“ Nobility, and the constant Heats and Bickerings between  
“ the Senate and People. All which, tho’ in a great mea-  
“ sure they distracted the Commonwealth, yet had this  
“ good Effect, that they exercised and improved the Elo-  
“ quence of those Times, by proposing the highest Re-  
“ wards to that Study. Because the more excellent any  
“ Person appeared in the Art of Speaking, the more easily  
“ he arrived at Honours and Employments; the more he  
“ surpassed his Colleague in the same Office, the greater  
“ was his Favour with the leading Men of the City, his  
“ Authority with the Senate, and his Renown and Esteem  
“ among the Commons. These Men were courted and  
“ waited on by Clients even of foreign Nations: These,  
“ when they undertook the Command of Provinces, the  
“ very Magistrates reverenced at their Departure, and  
“ adored at their Return: These the highest Offices of  
“ *Prætor* or *Consul* seemed to require, and call for, and  
“ court their Acceptance: These, when in a Private Sta-  
“ tion, abated very little of their Authority, while they  
“ guided both the Senate and the People by their Counsel.  
“ For they took this for an infallible Maxim, That without  
“ Eloquence ‘twas impossible either to attain or to defend a  
“ considerable Trust in the Commonwealth? And no  
“ Wonder, when they were drawn to Business, even a-  
“ gainst their Will, and compelled to shew their Parts in  
“ Public. When it was reckoned but an ordinary Matter  
“ to deliver one’s Opinion before the Senate, un-  
“ less a Man cou’d maintain and improve it with the en-  
“ gaging Ornament of Wit and Eloquence. When if  
“ they had contracted any Envy or Suspicion, they were to  
“ answer the Accuser’s Charge in Person. When they  
“ could not so much as give their Evidence, as to public  
“ Matters in Writing; but were obliged to appear in  
“ Court, and deliver it with their own Mouth. So that  
“ there was not only a vast Encouragement, but even  
“ a Necessity of Eloquence. To be a fine Speaker was  
“ counted Brave and Glorious: On the other hand, to  
“ act only a *mute Person*, on the Public Stage, was scan-  
“ dalous and reproachful. And thus a Sense of Honour,  
“ and Desire of avoiding Infamy, was a main Incitement  
“ to their Endeavours in these Studies; lest they should be  
“ reckoned among the Clients, rather than among the Pa-  
“ trons;

" trons ; lest the numerous Dependencies transmitted to them from their Ancestors, should now at last pass into other Families, for want of an able Supporter ; lest, like a Sort of useless and unprofitable Creatures, they should either be frustrated in their Pretensions to Honour and Preferments, or else disgrace themselves and their Office, by the Miscarriages of their Administration."

*Craffus* and *Antonius*, the two chief Managers of the Discourse in *Tully's* first Book *De Oratore*, are represented as very opposite in their Judgments, concerning the necessary Improvements of an accomplished Orator. The former denies any Person the Honour of this Name, who does not possess, in some Degree, all the Qualities, both native and acquired, that enter into the Composition of a general Scholar. The Force of his Argument lies in this, That an Orator ought to be able to deliver himself copiously on all Manner of Subjects ; and he does not see how any one can answer this Character without some Excellency in all the Mysteries of Arts and Learning, as well as in the happy Endowments of Nature. Yet he would not have these Acquisitions sit so loose about him, as to display themselves on every Occasion ; but that (as a great Man expresseth it) they should rather be *enamelled in his Mind, than embossed upon it.* That, as the Critics in Gaits and Gestures will easily discover by the Deportment of a Man's Body, whether he has learned to dance, though he does not practise his Art in his ordinary Motion ; so an Orator, when he delivers himself on any Subject, will easily make it appear, whether he has a full Understanding of the particular Art or Faculty on which the Cause depends, though he does not discourse of it in the Manner of a Philosopher, or a Mechanic. *Antonius*, on the other hand, reflecting on the Shortness of Human Life, and how great a Part of it is commonly taken up in the Attainment of but a few Parts of Knowledge, is inclined to believe, that Oratory does not require the necessary Attendance of its Sister Arts ; but that a Man may be able to prosecute a Theme of any Kind, without a Train of Sciences, and the Advantages of a learned Institution. That as few Persons are at a loss in the cultivating of their Land, or the Contrivance and Elegance of their Gardens, though they never read *Cato de Re Rustica*, or *Mago the Carthaginian* ; so an Orator may harangue with a great deal of Reason and Truth, on a Subject taken from any Part

of Knowledge, without any farther Acquaintance with the nicer Speculations, than his common Sense and Understanding, improved by Experience and Conversation, shall lead him to. “ For who ever (*says he*), when he comes to move the Affections of the Judges or People, stops at this, that he hath not Philosophy enough to dive into the first Springs of the Passions, and to discover their various Natures and Operations? Besides, at this Rate we must quite lay aside the Way of raising Pity in the Audience, by representing the Misery of a distressed Party, or describing, perhaps, the Slavery which he endures: When Philosophy tells us, That a good Man can never be miserable, and that Virtue is always absolutely free.”

Now as *Cicero*, without doubt, sat himself for the Picture, which, in the Name of *Craffus*, he there draws of an Orator, and therefore strengthens his Arguments by his own Example as well as his Judgment; so *Antonius*, in the next Dialogue, does not scruple to own, that his former Assertion was rather taken up for the sake of disputing and encountering his Rival, than to deliver the real Sentiments of his Mind. And therefore the genteel Education in the politer Ages of *Rome* being wholly directed to the Bar, it seems probable, that no Part of useful Knowledge was omitted, for the improving and adorning of the chief Study; and that all the other Arts were courted, though not with an equal Passion. And upon the whole it appears, that a close Affiduity and unwearyed Application were the very Life and Soul of their Designs. When their Historians describe an extraordinary Man, this always enters into his Character as an essential Part of it, that he was *incredibili industria, diligentia singulare*; of *incredible Industry, of singular Diligence* (a). And *Cato* in *Sallust* tells the Senate, That it was not the Arms so much as the Industry of their Ancestors, which advanced the Grandeur of *Rome*: So that the Founders and Regulators of this State, in making Diligence and Labour necessary Qualifications of a Citizen, took the same Course as the Poets feigned *Jupiter* to have thought on, when he succeeded to the Government over the primitive Mortals:

—Pater ipse colendi  
*Haud facilem esse viam voluit; primusque per artem*  
*Movit agros, curis acuens mortalia corda,*  
*Nec torpere gravi passus sua regna veterno* (b).

(a) *Archbishop Tillotson's Sermon on Education.*

(b) *Virg. Georg. 1. To*

To confirm the Opinion of their extreme Industry and perpetual Study and Labour, it may not seem impertinent to instance in the Three common Exercises of Translating, Declaiming, and Reciting.

Translation the antient Orators of *Rome* looked on as a most useful, though a most laborious, Employment. All Persons that applied themselves to the Bar, proposed commonly some one Orator of *Greece* for their common Pattern; either *Lysias*, *Hyperides*, *Demosthenes*, or *Eschines* as their Genius was inclined. Him they continually studied, and to render themselves absolutely Masters of his Excellencies, were always making him speak their own Tongue. This *Cicero*, *Quintilian*, and *Pliny Junior*, enjoin as an indispensable Duty, in order to the acquiring of any Fame in Eloquence. And the first of these great Men, besides his many Versions of the Orators for his private Use, obliged the Public with a Translation of several Parts of *Plato* and *Xenophon* in Prose, and of *Homer* and *Aratus* in Verse.

As to Declaiming, this was not the only chief Thing, at which they laboured under the Masters of Rhetoric, but what they practised long after they undertook real Causes, and had gained a considerable Name in the *Forum*. *Suetonius*, in his Book of *Famous Rhetoricians*, tells us, That *Cicero* declaimed in *Greek* till he was elected *Prætor*, and in *Latin* till near his Death. That *Pompey the Great*, at the breaking out of the Civil War, resumed his old Exercise of Declaiming, that he might the more easily be able to contend with *Curio*, who undertook the Defence of *Cæsar's* Cause, in his public Harangues. That *Marc Antony* and *Augustus* did not lay aside this Custom, even when they were engaged in the Siege of *Mutina*: And that *Nero* was not only constant at his Declamations, while in a private Station, but for the first Year after his Advancement to the Empire.

It is worth remarking, that the Subject of these old Declamations was not an imaginary *Thesis*, but a Case which might probably be brought into the Courts of Judicature. The contrary Practice, which crept into some Schools after the *Augustan Age*, to the great debasing of Eloquence, is what *Petronius* inveighs so severely against in the Beginning of his *Satyricon*, in a Strain so elegant, that it would lose a great Part of its Grace and Spirit in any Translation.

the Mithridatic War, took up his Residence in *Rome*. *Cicero* wholly resigned himself to his Institution, having now fixed the Bent of his Thoughts and Inclinations to Philosophy; to which he gave more diligent Attendance, because the Distractions of the Times afforded him little Reason to hope, that the judicial Process and the regular Course of the Laws would ever be restored to their former Vigour. Yet not entirely to forsake his Oratory, at the same Time he made his Applications to *Molo the Rhodian*, a famous Pleader and Master of Rhetoric.

*Sylla* being now the second Time advanced against *Mithridates*, the City was not much disturbed with Arms for three Years together. During this Interval, *Cicero*, with unwearied Diligence, made his Advance Day and Night in all Manner of Learning; having now the Benefit of a new Instructor, *Diodotus the Stoic*, who lived and died in his House. To this Master, besides his Improvement in other Parts of useful Knowledge, he was particularly obliged for keeping him continually exercised in Logic, which he calls *a concise and compact Kind of Eloquence*.

But tho' engaged at the same Time in so many and such different Faculties, he let no Day slip without some Performance in Oratory; declaiming constantly with the best Antagonists he could light on among the Students. In this Exercise he did not confine himself to any one Language, but sometimes used *Latin*, sometimes *Greek*; and indeed more frequently, the latter: Either because the Beauties and Ornaments of the *Greek* Stile would by this Means, grow so natural as easily to be imitated in his own Tongue; or because his *Grecian* Masters would not be such proper Judges of his Stile and Method, nor so well able to correct his Defects, if he delivered himself in anyother than their native Language.

Upon *Sylla's* victorious Return and his Settlement of the Commonwealth, the Lawyers recovered their Practice, and the ordinary Course of judicial Matters were revived: And then it was that *Cicero* came to the Bar, and undertook the Patronage of public and private Causes. His first Oration in a *Public Judgment* was the Defence of *Sextus Roscius*, prosecuted by no less a Man than the *Dictator* himself, which was the Reason that none of the old experienced Advocates dared appear in his Behalf. *Cicero* gained the Cause, to his great Honour, being about six or seven and twenty: And having behaved himself so remarkably well in his first Enterprize,

Enterprize, there was no Business thought too weighty or difficult for his Management.

He found himself at this Time labouring under a very weak Constitution, to which was added the Natural Defect in his Make of a long and thin Neck: So that in all Probability the Labour and straining of the Body, required in an Orator, could not but be attended with manifest Danger of his Life. This was especially to be feared in him, because he was observed in his Pleadings to keep his Voice always at the highest Pitch in a most vehement and impetuous Tone, and at the same Time to use a proportionable Violence in Gesture and Action. Upon this Consideration the Physicians, and his nearest Friends, were continually urging him to lay aside all Thoughts of a Profession which appeared so extremely prejudicial to his Health. But *Cicero* shewed himself equally inflexible to the Advice of the one, and to the Entreaties of the other; and declared his Resolution rather to run the Risque of any Danger that might happen, than deprive himself of the Glory which he might justly challenge from the Bar.

Confirming himself in this Determination, he began to think, that upon altering his Mode of Speaking, and bringing his Voice down to a lower and more moderate Key, he might abate considerably of the Heat and Fury which transported him, and by that Means avoid the Damage which seemed to threaten his Design.

For the effecting this Cure, he concluded on a Journey into *Greece*: And after he had made his Name very considerable in the *Forum*, by two Years pleading, he left the City. Being arrived at *Athens*, he took up his Residence for six Months with the Philosopher *Atticus*, the wisest and most noble Affector of the old *Academy*: And here under the Direction of the greatest Master, he renewed his Acquaintance with that Part of Learning which had been the constant Entertainment of his Youth, at the same Time performing his Exercises in Oratory under the Care of *Demetrius the Syrian*, an eminent Professor of the Art of Speaking. After this he made a Circuit round *Asia*, with several of the most celebrated Orators and Rhetoricians, who voluntarily offered him their Company.

But not satisfied with all these Advantages, he sailed to *Rhodes*, and there entered himself once more among the Scholars of the famous *Mob*, whom he had formerly heard at *Rome*: One that, besides his admirable Talent at pleading

ing and writing, had a peculiar Happiness in marking and correcting the Defects in any Performance. It was to his Institution that *Cicero* gratefully acknowledges he owed the retrenching of his juvenile Heat and unbounded Freedom of Thought, which did not consist with the just Rules of an exact and severe Method.

Returning to *Rome*, after two Years Absence, he appeared quite another Man: For his Body, strengthened by Exercise, was come to a tolerable Habit: His Way of Speaking seemed to have grown cool; and his Voice was rendered much easier to himself, and much sweeter to the Audience. Thus, about the one and thirtieth Year of his Age, he arrived at that full Perfection, which had so long taken up his whole Wishes and Endeavours, and which hath been, ever since, the Admiration of the World.



T H E

# Antiquities of ROME.

## PART I. BOOK I.

*The Origin, Growth, and Decay of  
the ROMAN Commonwealth.*

### C H A P. I.

*Of the BUILDING of the CITY.*

WHILE we view the Origin of States and Kingdoms (the most delightful and surprizing Part of History) we easily discern, as the first and fairest Prospect, the Rise of the Jewish and Roman Commonwealths: Of which, as the former had the Honour always to be esteemed the Favourite of Heaven, and the peculiar Care of Divine Providence; so the other had very good Pretensions to stile herself the Darling of Fortune; who seemed to express a more than ordinary Fondness for her youngest Daughter, as if she had designed the three former Monarchies purely for a Foil to set off this latter. Their own Historians rarely begin without a Fit of Wonder; and before they proceed to delineate the glorious Scene, give themselves the Liberty of standing still some Time, to admire at a Distance.

For the Founder of the City and Republic, Authors have long since agreed on *Romulus*, Son of *Rhea Sylvia*, and Descendant of *Aeneas*, from whom his Pedigree may be thus derived: Upon the final Ruin and Destruction of *Troy* by the *Grecians*, *Aeneas*, with a small Number of Followers, had the good Fortune to secure himself by Flight. His Escape

Escape was very much countenanced by the Enemy, inasmuch as upon all Occasions he had expressed his Inclinations to a Peace, and to the restoring of *Helen*, the unhappy Cause of all the Mischief. Sailing thus from *Troy*, after a tedious Voyage, and great Variety of Adventures, he arrived at last at *Latium*, a Part of *Italy* so called à *latendo*, or from *lying hid*; being the Place that *Saturn* had chose for his Retirement, when expelled the Kingdom of *Crete* by his rebellious Son *Jupiter*. Here applying himself to the King of the Country, at that Time *Latinus*, he obtained his only Daughter *Lavinia* in Marriage; and, upon the Death of his Father-in-Law, was left in Possession of the Crown. He removed the imperial Seat from *Laurentum* to *Lavinium*, a City which he had built himself in Honour of his Wife; and upon his Decease soon after, the Right of Succession vested in *Ascanius*, whether his Son by a former Wife, and the same he brought with him from *Troy*, or another of that Name, which he had by *Lavinia*, *Livy* leaves undetermined. *Ascanius* being under Age, the Government was intrusted into the Hands of *Lavinia*: But as soon as he was grown up, he left his Mother in Possession of *Lavinium*; and removing with Part of the Men, laid the Foundation of a new City, along the Side of the Mountain *Albanus*, called from thence *Longa Alba*. After him, by a Succession of eleven Princes, the Kingdom devolved at last to *Procas*. *Procas* at his Death left two Sons, *Numitor* and *Amulius*; of whom *Amulius* deceiving his elder Brother, obliged him to quit his Claim to the Crown, which he thereupon secured to himself; and to prevent all Disturbance that might probably arise to him or his Posterity, from the elder Family, destroying all the Males, he constrained *Numitor*'s only Daughter, *Rhea Sylvia*, to take on her the Habit of a Vestal, and consequently a Vow of perpetual Virginity. However, the Princess was soon after found with Child, and delivered of two Boys *Remulus* and *Remus*. The Tyrant, being acquainted with the Truth, immediately condemned his Niece to close Imprisonment, and the Infants to be exposed, or carried and left in a strange Place, where it was very improbable they should meet with any Relief. The Servant, who had the Care of this inhuman Office, left the Children at the Bottom of a Tree, by the Bank of the River *Tiber*. In this sad Condition, they were casually discovered by *Faustulus*, the King's Shepherd; who being wholly ignorant of the Plot, took the Infants up, and carried them

home

home to his Wife *Laurentia*, to be nursed with his own Children (a). This Wife of his had formerly been a common Prostitute, called in Latin *Lupa*; which Word, signifying likewise a She-Wolf, gave occasion to the Story of their being nursed by such a Beast; though some take the Word always in a literal Sense, and maintain, that they really subsisted some Time, by sucking this Creature, before they had the good Fortune to be relieved by *Faustulus* (b). The Boys, as they grew up, discovering the natural Greatness of their Minds and Thoughts, addicted themselves to the generous Exercises of Hunting, Racing, taking Robbers, and such like; and always expressed a great Desire of engaging in any Enterprize that appeared hazardous and noble. (c) Now there happening a Quarrel betwixt the Herds-men of *Numitor* and *Amulius*, the former lighting casually on *Re-mus*, brought him before their Master to be examined. *Numitor* learning from his own Mouth the strange Circumstance of his Education and Fortune, easily guessed him to be one of his Grandson's, who had been expos'd. He was soon confirmed in this Conjecture, upon the Arrival of *Faystulus* and *Romulus*; when the whole Busines being laid open, upon Consultation had, gaining over to their Party a sufficient Number of the disaffected Citizens, they contrived to surprise *Amulius*, and re-established *Numitor*. This Design was soon after very happily put in Execution, the Tyrant slain, and the old King restored to a full Enjoyment of the Crown (d). The young Princes had no sooner reseated their Grandfather in his Throne, but they began to think of procuring one for themselves. They had higher Thoughts than to take up with the Reversion of a Kingdom; and were unwilling to live in *Alba*, because they could not govern there: So taking with them their Foster-father, and such others they could get together, they began the Foundation of a new City, in the same place where in their Infancy they had been brought up (e). The first Walls were scarce finished, when, upon a slight Quarrel, the Occasion of which is variously reported by Historians, the younger Brother had the Misfortune to be slain. Thus the whole Power came into the Hands of *Romulus*; who, carrying on the Remainder of the Work, gave the City a Name in Allusion to his own; and he hath been ever accounted the Founder and Patron of the Roman Commonwealth.

(a) *Livy*, lib. 1. (b) See *Demosthenes*'s Notes to *Roman's Antiquities*, lib. 1. cap. 1. (c) *Plutarch* in the Life of *Romulus*. (d) *Ibid* and *Livy*, lib. 1. (e) *Plutarch*, as before; and *Livy*, lib. 1.

**C H A P. II.***Of the Roman Affairs under the Kings.*

**T**HE witty Historian (*a*) had very good Reason to entitle the Reign of the Kings, the Infancy of *Rome*; for it is certain, that under them she was hardly able to support her self, and at the best had but a very feeble Motion. The greatest Part of *Romulus*'s Time was taken up in making Laws and Regulations for the Commonwealth. Three of his State Designs, I mean the *Asylum*, the Rape of the *Sabine* Virgins, and his Way of treating those Few whom he conquered, as they far exceeded the Politics of those Times, so they contributed in an extraordinary Degree, to the Advancement of the new Empire. But then *Numa*'s long Reign served only for the Establishment of Priests and religious Orders; and in those three and forty Years (*b*), *Rome* gained not so much as one Foot of Ground. *Tullus Hostilius* was wholly employed in converting his Subjects from the pleasing Amusements of Superstition, to the rougher Institution of martial Discipline: Yet we find nothing memorable related of his Conquests; only that, after a long and dubious War, the *Romans* entirely ruined their old Mother *Alba* (*c*). After him, *Ancus Marcius*, laying aside all Thoughts of extending the Bounds of the Empire, applied himself wholly to strengthen and beautify the City (*d*); and esteemed the Commodiousness and Magnificence of that the noblest Design he could possibly be engaged in. *Tarquinius Priscus*, though not altogether so quiet as his Predecessor, yet consulted very little else besides the Dignity of the Senate, and the Majesty of the Government; for the Increase of which, he appointed the Ornaments and Badges of the several Officers, to distinguish them from the Common People (*e*). A more peaceful Temper appeared in *Servius Tullius*, whose principal Study was to have an exact Account of the Estates of the *Romans*; and according to those to divide them into Tribes, (*f*) that so they might contribute with Justice and Proportion to the public Expences of the State. *Tarquin the Proud*, though perhaps more engaged in Wars than any of his Predeces-

(*a*) *Ficinus* in the Preface to his History.    (*b*) *Plutarch* in the Life of *Numa*.  
 (*c*) *Ficinus*, l. 1. cap. 3.    (*d*) *Idem*, l. 1. cap. 4.    (*e*) *Idem*, l. 1. cap. 5.  
 (*f*) *Idem*, l. 1. cap. 6.

sors (*a*), yet had in his Nature such a strange Composition of the most extravagant Vices, as must necessarily have proved fatal to the growing Tyranny. And had not the Death of the unfortunate *Lucretia* administered to the People an Opportunity of Liberty, yet a far slighter Matter would have served them for a specious Reason to endeavour the Assertion of their Rights. However, on this Accident, all were suddenly transported with such a Mixture of Fury and Compassion, that, under the Conduct of *Brutus* and *Collatinus*, to whom the dying Lady had recommended the Revenge of her injured Honour (*b*), rushing immediately upon the Tyrant, they expelled him and his whole Family. A new Form of Government was now resolved on; and because to live under a divided Power carried something of Complacency in the Prospect (*c*), they unanimously conferred the supreme Command on the two generous Assertors of their Liberties (*d*). Thus ended the Royal Administration, after it had continued about two hundred and fifty Years.

*Florus*, in his Reflections on the first Age of *Rome*, cannot forbear applauding the happy Fate of his Country, that it should be blessed in that weak Age, with a Succession of Princes so fortunately different in their Aims and Designs; as if Heaven had purposely adapted them to the several Exigencies of the State (*e*). And the famous *Machiavel* is of the same Opinion (*f*). But a judicious Author (*g*) hath lately observed, that this Difference of *Genius* in the Kings, was so far from procuring any Advantage to the *Roman* People, that their small Increase under that Government is referable to no other Cause. However, thus far we are assured, that those seven Princes left behind them a Dominion of no larger Extent than that of *Parma* or *Mantua*, at present.

(*a*) See *Florus*, l. 1. c. 7.      (*b*) *Idem*, lib. 1. cap. 9.      (*c*) *Plutarch* in the Life of *Peplicola*.      (*d*) *Ibid* & *Florus*, lib. 1. cap. 9.      (*e*) *Idem*, cap. 8.      (*f*) *Machiavel's Discourses on Livy*, lib. 2. cap. 12.      (*g*) Monsieur St. Evrement's Reflections on the *Genius* of the *Roman* People, esp. 1.

## C H A P. . III.

*Of the Roman Affairs, from the Beginning of the Consular Government to the first Punic War.*

**T**HE Tyrant was no sooner expelled, but, as it usually happens, there was great plotting and designing for his Restoration. Among several other young Noblemen, *Brutus* his two Sons had engaged themselves in the Association: But the Conspiracy being happily discovered, and the Traitors brought before the Consuls, in order to their Punishment, *Brutus* only addressing himself to his Sons, and demanding whether they had any Defence to make against the Indictment, upon their Silence, ordered them immediately to be beheaded; and staying himself to see the Execution, committed the Rest to the Judgment of his Colleague (*a*). No Action, or Matter's *in* *Romanis* has made a greater Noise, so vast a Distance from one another, and lying just on the Skirts of the Army.

The *Romans* fortified their Camp with a Ditch and Parapet, which they termed *Fossa* and *Vallum*: In the last, some distinguish two Parts, the *Agger* and the *Sudes*. The *Agger* was no more than the Earth cast up from the *Vallum*; and the *Sudes* were a Sort of Wooden Stakes to secure and strengthen it.

## C H A P. XIII.

*Of the Duties, Works, and Exercises of the Soldiers.*

**T**HE Duties and Works of the Soldiers consisted chiefly in their Watches and Guards, and in casting up Intrenchments and Ramparts, and such other laborious Services.

The Watches and Guards were divided into the *Excubiae*, and the *Vigilie*: The former by Day, and the latter by Night.

into the River, and swam over to the other Side (*a*). *Mutius* having failed in an Attempt upon *Porsenna's* Person, and being brought before the King to be examined, thrust his Right-hand, which had committed the Mistake, into a Pan of Coals that stood ready for the Sacrifice. Upon which generous Action he was dismissed without further Injury. As for *Clælia*, she, with other noble Virgins, had been delivered to the Enemy for Hostages, on Account of a Truce; when obtaining the Liberty to bathe themselves in *Tiber*, she getting on Horseback before the Rest, encouraged them to follow her through the Water to the *Romans*; though the Consul generously sent them back to the Enemy's Camp. *Porsenna* had no sooner drawn off his Army, but the *Sabines* and *Latines* joined in a Confederacy against *Rome*; and though they were extremely weakened by the Desertion of *Appius Claudius*, who went over with five thousand Families to the *Romans*; yet they could not be entirely subdued, till they received a total Overthrow from *Valerius Poplicola* (*b*). But the *Aequi* and the *Volsci*, the most obstinate of the *Latines*, and the continual Enemies of *Rome*, carried on the Remainder of the War for several Years; till it was happily concluded by *Lucius Quintius*, the famous *Dic<sup>t</sup>ator* taken from the Plough, in less than fifteen Days Time: Upon which, *Florus* has this Remark, That *he made more than ordinary Haste to his unfinished Work* (*c*). But they that made the greatest Opposition were the Inhabitants of *Veii*, the Capital of *Tuscany*, a City not inferior to *Rome*, either in Store of Arms, or Multitude of Soldiers. They had contended with the *Romans*, in a long Series of Battles, for Glory and Empire; but having been weakened and greatly reduced in several Encounters, they were obliged to secure themselves within the Walls: And, after a ten Years Siege, the Town was forced and sacked by *Camillus* (*d*). In this manner were the *Romans* extending their Conquests, when the Irruption of the *Gauls* made a strange Alteration in the Affairs of *Italy*. They were at this Time besieging *Clusium*, a *Tuscan* City. The *Clusians* sent to the *Romans*, desiring them to interpose by Ambassadors on their Behalf. Their Request was easily granted; and three of the *Fabii*, Persons of the highest Rank in the City, dispatched for this Purpose to the *Gallic* Camp. The *Gauls*, in Respect to the Name of *Rome*, received them with all imaginable Civility; but could by no Means be prevailed on to quit the Siege.

(*a*) *Plut.* *Ibid.* (*b*) *Ibid.* (*c*) *Florus*, lib. 1. cap. 11. (*d*) *Plutarch* in his Life.

Whereupon the Ambassadors going into the Town, and encouraging the *Clusians* to a Sally, one of them was seen personally engaging in the Action. This, being contrary to the received Law of Nations, was resented in so high a Manner by the Enemy, that, breaking up from before *Clusium*, the whole Army marched directly towards *Rome*. About eleven Miles from the City, they met with the *Roman* Army commanded by the Military Tribunes, who, engaging without any Order or Discipline, received an entire Defeat. Upon the Arrival of this ill News, the greatest Part of the Inhabitants immediately fled : Those that resolved to stay fortified themselves in the Capitol. The *Gauls* soon appeared at the City Gates ; and, destroying all with Fire and Sword, carried on the Siege of the Capitol with all imaginable Fury. At last, resolving on a general Assault, they were discovered by the Cackling of the Geese that were kept for that Purpose ; and as many as had climbed the Rampart were driven down by the valiant *Manlius* ; when *Camillus*, setting upon them in the Rear with twenty thousand Men, that he got together about the Country, gave them a total Overthrow. The greatest Part of those that escaped out of the Field were cut off in straggling Parties, by the Inhabitants of the neighbouring Towns and Villages. The City had been so entirely demolished, that, upon the Return of the People, they thought of removing to *Veii*, a City ready built, and excellently provided of all Things. But being diverted from this Design by an Omen (as they thought) they set to the Work, with such extraordinary Diligence and Application, that within the Compass of a Year the whole City was rebuilt. They had scarce gained a Breathing-time after their Troubles, when the united Powers of the *Aequi*, *Volsci*, and other Inhabitants of *Latium*, at once invaded their Territories. But they were soon over-reached by a Stratagem of *Camillus*, and totally routed (a).

Nor had the *Sannites* any better Fate, though a People very numerous, and of great Experience in War. The Contention with them lasted no less than fifty Years (b), when they were finally subdued by *Papirius Cursor* (c). The *Tarentine* War, that followed, put an End to the entire Conquest of *Italy*. *Tarentum*, a City of great Strength and Beauty, seated on the *Adriatic Sea*, was especially re-

(a) *Plut.* in *vit. Cam l.* (b) *Florus*, lib. 1. cap. 16. (c) *Liv.* lib. 10.  
(*J*) *Fier.* lib. 1. cap. 18.

markable for the Commerce it maintained with most of the neighbouring Countries, as *Epirus, Illyricum, Sicily, &c.* (d). Among other Ornaments of their City, they had a spacious Theatre for public Sports, built hard by the Sea-shore. They happened to be engaged in the Celebration of some such Solemnity, when, upon Sight of the *Roman* Fleet, that casually sailed by their Coasts, imagining them to be Enemies, they immediately set upon them, and, killing the Commander, rifled the greatest Part of the Vessels. Ambassadors were soon dispatched from *Rome* to demand Satisfaction; but they met with as ill Reception as the Fleet, being disgracefully sent away without so much as a Hearing. Upon this a War was soon commenced between the States. The *Tarentines* were increased by an incredible Number of Allies from all Parts: But he that made the greatest Appearance in their Behalf was *Pyrrhus*, King of *Epirus*, the most experienced General of his Time. Besides the choicest of his Troops that accompanied him in the Expedition, he brought into the Field a considerable Number of Elephants, a Sort of Beast scarce heard of till that Time in *Italy*. In the first Engagement, the *Romans* were in fair Hopes of a Victory, when the Fortune of the Day was entirely changed upon the coming up of the Elephants; who made such a prodigious Destruction in the *Roman* Cavalry, that the whole Army was obliged to retire. But the politic General, having experienced so well the *Roman* Courage, immediately after the Victory, sent to offer Conditions for a Peace; but was absolutely refused. In the next Battle, the Advantage was on the *Roman* Side, who had not now such dismal Apprehensions of the Elephants, as before. However, the Busines came to another Engagement; when the Elephants over-running whole Ranks of their own Men, enraged by the Cry of a young one who had been wounded, gave the *Romans* an absolute Victory (a). Twenty-three thousand of the Enemy were killed (b), and *Pyrrhus* finally expelled *Italy*. In this War the *Romans* had a fair Opportunity to subdue the other Parts that remained unconquered, under Pretext of Allies to the *Tarentines*. So that at this Time, about the 477th Year of the Building of the City (c), they had made themselves the intire Masters of *Italy*.

(a) *Florus*, Ibid.(b) *Eutropius*, lib. 2.

(c) Ibid.

## C H A P. IV.

*Of the ROMAN Affairs, from the Beginning of the first Punic War to the first Triumvirate.*

BUT the Command of the Continent could not satisfy the Roman Courage, especially while they saw so delicious an Isle as *Sicily* almost within their Reach: They only waited an Occasion to pass the Sea, when Fortune presented as fair a one as they could wish. The Inhabitants of *Messina*, a Sicilian City, made grievous Complaints to the Senate, of the daily Encroachments of the *Carthaginians*, a People of vast Wealth and Power, and that had the same Design on *Sicily* as the *Romans* (*a*). A Fleet was soon manned out for their Assistance; and, in two Years Time, no less than fifty Cities were brought over (*b*). The entire Conquest of the Island quickly followed; and *Sardinia* and *Corsica* were taken in about the same Time by a separate Squadron. And now, under the Command of *Regulus* and *Mamilius*, the Consuls, the War was translated into *Africa*. Three hundred Forts and Castles were destroyed in their March, and the victorious Legions encamped under the very Walls of *Carthage*. The Enemy, reduced to such Straits, were obliged to apply themselves to *Xantippus*, King of the *Lacedemonians*, the greatest Captain of the Age; who immediately marched to their Assistance with a numerous and well-disciplined Army. In the very first Engagement with the *Romans*, he entirely defeated their whole Power: Thirty thousand were killed on the Spot, and fifteen thousand, with their Consul *Regulus*, taken Prisoners. But as good Success always encouraged the *Romans* to greater Designs; so a contrary Event did but exasperate them the more. The new Consuls were immediately dispatched with a powerful Navy, and a sufficient Number of Land Forces. Several Campaigns were now wasted, without any considerable Advantage on either Side: Or if the *Romans* gained any Thing by their Victories, they generally lost as much by Shipwrecks; when at last the whole Power of both States being drawn together on the Sea, the *Carthaginians* were wholly defeated, with the Loss of 125 Ships sunk in the Engagement; 73 taken, 32,000 Men killed, and 1300 made Prisoners. Upon this they

(*a*) *Flutat.* lib. 2. cap. 2.

(*b*) *Eutrop.* lib. 2.

were compelled to sue for a Peace; which, after much Intreaty, and upon very hard Conditions, was at last obtained (*a*).

But the *Carthaginians* had too great Spirits to submit to such unreasonable Terms any longer than their Necessities obliged them. In four Years Time (*b*) they had got together an Army of 80,000 Foot, and 20,000 Horse (*c*), under the Command of the famous *Hannibal*; who forcing a Way thro' the *Pyrenean Mountains* and the *Alps*, reputed till that Time impassable, descended with his vast Army into *Italy*. In four successive Battles he defeated the *Roman Forces*; in the last of which, at *Cannæ*, 40,000 of the latter were killed (*d*): And had he not been merely deserted by the Envy and Ill-will of his own Countrymen, it is more than probable, that he must have entirely ruined the *Roman State* (*e*): But Supplies of Men and Money being sometimes absolutely denied him, and never coming but very slowly, the *Romans* had such Opportunities to recruit, as they little expected from so experienced an Adversary. The wise Management of *Fabius Maximus* was the first Revival of the *Roman Cause*. He knew very well the Strength of the Enemy, and therefore marched against him without intending to hazard a Battle; but to wait constantly upon him, to straiten his Quarters, intercept his Provisions, and so make the victorious Army pine away with Penury and Want. With this Design he always encamped upon the high Hills, where the Horse could have no Access to him: When they marched, he did the same; but at such a Distance, as not to be compelled to an Engagement. By this Policy he so broke *Hannibal's Army*, as to make him absolutely despair of getting any Thing in *Italy* (*f*). But the Conclusion of the War was owing to the Conduct of *Scipio*: He had before reduced all *Spain* into Subjection; and now taking the same Course as *Hannibal* at first had done, he marched with the greatest Part of the *Roman Forces* into *Africa*; and, carrying all before him to the very Walls of *Carthage*, obliged the Enemy to call home their General out of *Italy*, for the Defence of the City. *Hannibal* obeyed; and both Armies coming to an Engagement, after a long Dispute, wherein the Commanders and Soldiers of both Sides are reported to have outdone themselves, the Victory fell to the *Romans*. Whereupon the Enemy were obliged once more to sue for a Peace; which was again granted them, though upon much harder Conditions than before.

(*a*) *Eutrop.* lib. 2.      (*b*) *Flerus*, lib. 2. cap. 6.      (*c*) *Eutrop.* lib. 3.  
(*d*) *Ibid.*      (*e*) *Cornelius Nepos* in vit. *Hannibal*.      (*f*) *Plut.* in vit. *Fab. Max.*  
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The *Romans*, by the happy Conclusion of this War, had so highly advanced themselves in the Opinion of the neighbouring States, that the *Athenians*, with the greatest Part of *Greece*, being at this Time miserably enslaved by *Philip* King of *Macedon*, unanimously petitioned the Senate for Assistance. A Fleet, with a sufficient Number of Land-Forces, were presently dispatched to their Relief; by whose Valour, the Tyrant, after several Defeats, was compelled to restore all *Greece* to their antient Liberties, obliging himself to pay an annual Tribute to the Conquerors (a).

*Hannibal*, after his late Defeat, had applied himself to *An-tiochus* King of *Syria*, who at this Time was making great Preparations against the *Romans*. *Aeilius Glabrio* was first sent to oppose him, and had the Fortune to give him several Defeats; when *Cornelius Scipio* the *Roman* Admiral, engaging with the King's Forces at Sea, under the Command of *Hannibal*, intirely ruined the whole Fleet. Which Victory being immediately followed by another as signal at Land, the effeminate Prince was contented to purchase a Peace at the Price of almost half his Kingdom (b).

The victorious *Romans* had scarce concluded the Public Rejoicings on Account of the late Success, when the Death of *Philip* King of *Macedon* presented them with an Occasion of a more glorious Triumph. His Son *Perseus*, that succeeded, resolving to break with the Senate, applied himself wholly to raising Forces, and procuring other Necessaries for a War. Never were greater Appearances in the Field than on both Sides, most of the considerable Princes in the World being engaged in the Quarrel. But Fortune still declared for the *Romans*, and the greatest Part of *Perseus*'s prodigious Army was cut off by the Consul *Emilius*, and the King obliged to surrender himself into the Hands of the Conqueror (c). Authors that write of the four Monarchies, here fix the End of the *Macedonian Empire*.

But *Rome* could not think herself secure amongst all these Conquests, while her old Rival *Carthage* was yet standing: So that, upon a slight Provocation, the City, after three Years Siege, was taken, and utterly razed, by the Valour of *Publius Scipio*, Grandson, by Adoption, to him that conquered *Hannibal* (d).

Not long after, *Attalus* King of *Pergamus*, dying without Issue, left his vast Territories, containing near all *Asia*, to the

(a) *Eutrep.* l. 4. (b) *Florus*, l. 2. c. 8. (c) *Vell. Patrc.* l. 1. (d) *Ibid.*  
*Romans*

*Romans* (a). And what of *Africa* remained unconquered was for the most Part, reduced in the *Jugurthine War*, that immediately followed; *Jugurtha* himself, after several Defeats, being taken Prisoner by *Marius*, and brought in Triumph to *Rome* (b).

And now after the Defeat of the *Teutones* and *Cimbri*, that had made an Inroad into *Italy*, with several lesser Conquests in *Asia* and other Parts, the *Mitbridatic War*, and the Civil War between *Marius* and *Sylla*, broke out both in the same Year (c). *Sylla* had been sent General against *Mitridates* King of *Pontus*, who had seized on the greatest Part of *Asia* and *Acbaia* in an hostile Manner; when, before he was got out of *Italy*, *Sulpicius*, the Tribune of the People, and one of *Marius's* Faction, preferred a Law to recall him, and to depute *Marius* in his Room. Upon this, *Sylla*, leading back his Army, and overthrowing *Marius* and *Sulpicius* in his Way, having settled Affairs at *Rome*, and banished the Authors of the late Sedition, returned to meet the Foreign Enemy (d). His first Exploit was the taking of *Atbens*, and ruining of the famous Mole in the Haven *Piræus* (e). Afterwards, in two Engagements, he killed and took near 130,000 of the Enemy, and compelled *Mitridates* to sue for a Truce (f). In the mean Time *Marius*, being called home by the new Consuls, had exercised all Manner of Cruelty at *Rome*: Whereupon, taking the Opportunity of the Truce, *Sylla* once more marched back towards *Italy*. *Marius* was dead before his Return (g); but his two Sons, with the Consuls, raised several Armies to oppose him. But some of the Troops being drawn over to his Party, and the others routed, he entered the City, and disposed all Things at his Pleasure, assuming the Title and Authority of a perpetual Dictator. But having regulated the State, he laid down that Office, and died in Retirement (h).

*Mitridates* had soon broke the late Truce, and invaded *Bitbynia* and *Asia*, with as great Fury as ever; when the Roman General *Lucullus*, routing his vast Armies by Land and Sea, chased him quite out of *Asia*; and had infallibly put an happy Conclusion to the War, had not Fortune reserved that Glory for *Pompey* (i). He being deputed in the Room of *Lucullus*, after the Defeat of the new Forces of *Mitridates*, compelled him to fly to his Father-in-Law *Tigranes*

(a) *Eutrop. lib. 4.* (b) *Ibid.* (c) *Eutrop. lib. 5.* (d) *Ibid.* (e) *Vell. Patere. lib. 2.* (f) *Eutrop. lib. 5.* (g) *Vell. Patere. lib. 2.* (h) *Aurelius Victor in vit. Sylla.* (i) *Vell. Patere. ibid.*

King of Armenia. Pompey followed with his Army; and struck such a Terror into the whole Kingdom, that *Tigranes* was constrained in an humble Manner to present himself to the General, and offer his Realm and Fortune to his Disposal. At this Time the *Catalinarian Conspiracy* broke out, more famous for the Obstinacy than the Number of the Rebels; but this was immediately extinguished by the timely Care of *Cicero*, and the happy Valour of *Antony*. The Senate, upon the News of the extraordinary Success of *Pompey*, were under some Apprehension of his affecting the Supreme Command at his Return, and altering the Constitution of the Government. But when they saw him dismiss his vast Army at *Brundusium*, and proceeded in the rest of his Journey to the City with no other Company than his ordinary Attendants, they received him with all the Expressions of Complacency and Satisfaction, and honoured him with a splendid Triumph (k).

(k) *Vell. Patre. ib.*

## C H A P. V.

### *Of the ROMAN Affairs, from the Beginning of the first Triumvirate to the End of the twelve Cæsars.*

THE three Persons that at this Time bore the greatest Sway in the State, were *Craffus*, *Pompey*, and *Cæsar*. The first by reason of his prodigious Wealth; *Pompey* for his Power with the Soldiers and Senate; and *Cæsar* for his admirable Eloquence, and a peculiar Nobleness of Spirit. When now taking Advantage of the Consulship of *Cæsar*, they entered into a solemn Agreement to let nothing pass in the Commonwealth without their joint Approbation (a). By virtue of this Alliance, they had in a little Time procured themselves the three best Provinces in the Empire, *Craffus Asia*, *Pompey Spain*, and *Cæsar Gaul*. *Pompey*, for the better retaining of his Authority in the City, chose to manage his Province by Deputies (b); the other two entered on their Governments in Person. But *Craffus* soon after, in an Expedition he undertook against the *Parthians*, had the ill Fortune to lose the greatest Part of his Army, and was him-

(a) *Suet. in Jul. Cæs. cap. 19.*      (b) *Patr. lib. 2. cap. 46.*

was

self treacherously murdered (*a*). In the mean Time *Cæsar* was performing Wonders in *Gaul*. No less than 40,000 of the Enemy he had killed, and taken more Prisoners: And nine Years together (which was the whole Time of his Government) deserves a Triumph for the Actions of every Campaign (*b*). The Senate, amazed at this strange Relation of his Victories, were easily inclined to suspect his Power: So that taking the Opportunity when he petitioned for a second Consulship, they ordered him to disband his Army, and appear as a private Person at the Election (*c*). *Cæsar* endeavoured by all Means to come to an Accommodation: But finding the Senate violently averse to his Interest, and resolved to hear nothing but what they first proposed (*d*), he was constrained to march towards *Italy* with his Troops, to terrify or force them into a Compliance. Upon the News of his Approach, the Senate, with the greatest Part of the Nobility, passing over into *Greece*, he entered the City without Opposition, and creating himself Consul and Dictator, hastened with his Army into *Spain*; where the Troops under *Pompey's* Deputies were compelled to submit themselves to his Disposal. With this Reinforcement he advanced towards *Macedonia*, where the Senate had got together a prodigious Army under the Command of *Pompey*. In the first Engagement, he received a considerable Defeat. But the whole Power on both Sides being drawn up on the Plains of *Thessaly*, after a long Dispute the Victory fell to *Cæsar*, with the entire Ruin of the adverse Party. *Pompey* fled directly towards *Egypt*, *Cæsar*, with his victorious Legions immediately followed. Hearing at his Arrival, that *Pompey* had been killed by Order of King *Ptolemy*, he laid close Siege to *Alexandria*, the capital City; and having made himself absolute Master of the Kingdom, committed it to the Care of *Cleopatra*, Sister to the late King (*e*). *Scipio* and *Juba* he soon after overcame in *Africa*, and *Pompey's* two Sons in *Spain* (*f*). And now being received at his Return with the general Applause of the People and Senate, and honoured with the glorious Titles of, *Father of his Country*, and *perpetual Dictator*, he was designing an Expedition into *Parthia*; when, after the Enjoyment of the supreme Command no more than five Months, he was murdered in the Senate-House (*g*): *Brutus* and *Cassius*, with most of the other Conspirators, being his particular Friends, and such as he had obliged in the highest Manner.

(*a*) *Plutarch in Crago.* (*b*) *Paterc. l. 2.* (*c*) *Ibid. c. 29.* (*d*) *Ibid. c. eod.*

(*e*) *Suet. in Jul. Cæs. c. 35.* (*f*) *Ibid. c. eod.* (*g*) *Paterc. l. 2. c. 56.*

A Civil War necessarily followed, in which the Senate, consisting for the most Part of such as had embraced the Faction of *Pompey*, declared in Favour of the Assassins, while *Mark Antony* the Consul undertook the Revenge of *Cæsar*. With this Pretence he exercised all Manner of Tyranny in the City, and had no other Design but to secure the chief Command to himself. At last, the Senate were obliged to declare him an Enemy to the State; and, in pursuance of their Edict, raised an Army to oppose him under the Command of *Hirtius* and *Pansa* the new Consuls, and *Octavius* Nephew and Heir to *Cæsar* (a). In the first Engagement *Antony* was defeated; but *Hirtius* being killed in the Fight, and *Pansa* dying immediately after, the sole Command of the Army came into the Hands of *Octavius* (b). The Senate before the late Victory, had expressed an extraordinary Kindness for him, and honoured him with several Marks of their particular Esteem: But now, being freed from the Danger they apprehended from *Antony*, they soon altered their Measures; and taking little Notice of him any longer, decreed the two Heads of the late Conspiracy, *Brutus* and *Cassius*, the two Provinces of *Syria* and *Macedonia*, whither they had retired upon Commission of the Fact (c). *Octavius* was very sensible of their Designs, and thereupon was easily induced to conclude a Peace with *Antony*: And soon after entering into an Association with him and *Lepidus*, as his Uncle had done with *Craffus* and *Pompey*, he returned to *Rome*, and was elected Consul when under twenty Years of Age (d). And now, by the Power of him and his two Associates, the Senate was for the most Part banished, and a Law preferred by his Colleague *Pedius*, That all who had been concerned in the Death of *Cæsar*, should be proclaimed Enemies to the Commonwealth, and proceeded against with all Extremity (e). To put this Order in Execution, *Octavius* and *Antony* advanced with their Forces under their Command toward *Macedonia*, where *Brutus* and *Cassius* had got together a numerous Army to oppose them: Both Parties meeting near the City *Philippi*, the Traitors were defeated, and the two Commanders died soon after by their own Hands (f). And now for ten Years, all Affairs were managed by the *Triumviri*; when *Lepidus*, setting up for himself in *Sicily*, was contented, upon the Arrival of *Octavius*, to compound for his Life, with the dishonourable Resignation of his Share

(a) *Paterc.* l. 2. c. 61. (b) *Suet.* in *August.* c. 11. (c) *Florus* l. 4 c. 7.  
 (d) *Paterc.* l. 2. c. 65. (e) *Ib.* (f) *Florus* l. 2. c. 7.

in the Government (a). The Friendship of *Octavius* and *Antony* was not of much longer Continuance : For the latter, being for several Enormities declared an Enemy to the State, was finally routed in a Sea-Engagement at *Actium*; and flying thence with his Mistress *Cleopatra*, killed himself soon after, and left the sole Command in the Hands of *Octavius*. He, by his Prudence and Moderation, gained such an intire Interest in the Senate and People, that when he offered to lay down all the Authority he was invested with above the rest, and to restore the Commonwealth to the antient Constitution, the unanimously agreed in this Opinion, That their Liberty was sooner to be parted with, than so excellent a Prince. However, to avoid all Offence, he rejected the very Names he thought might be displeasing, and above all Things, the Title of *Dictator*, which had been so odious in *Sylla* and *Cæsar*. By this Means he was the Founder of that Government which continued ever after in *Rome*. The new Acquisitions to the Empire were in his Time very considerable : *Cantabria*, *Aquitania*, *Pannonia*, *Dalmatia*, and *Ilyricum* being wholly subdued : the *Germans* were driven beyond the River *Albis*, and two of their Nations, the *Suevi* and *Sicambri*, transplanted into *Gaul* (b).

*Tiberius*, tho' in *Augustus's* Time he had given Proofs of an extraordinary Courage in the *German War* (c); yet upon his own Accession to the Crown is memorable for no Exploit, but the reducing of *Cappadocia* into a *Roman Province* (d) : And this was owing more to his Cunning, than his Valour. And at last, upon his infamous Retirement into the Island *Caprea*, he grew so strangely negligent of the public Affairs, as to send no Lieutenants for the Government of *Spain* and *Syria*, for several Years ; to let *Armenia* be over-run by the *Parthians*, *Mæsia* by the *Dacians* and the *Sarmatians*, and almost all *Gaul* by the *Germans* ; to the extreme Danger, as well as Dishonour of the Empire (e). *Caligula*, as he far succeeded his Predecessor in all Manner of Debauchery, so in Relation to Martial Affairs he was much his Inferior. However, he is famous for a Mock-Expedition that he made against the *Germans* ; when arriving in that Part of the *Low-Countries* which is opposite to *Britain*, and receiving into his Protection a fugitive Prince of the Island, he sent boasting Letters to the Senate, giving an Account of the happy Conquest of the whole Kingdom. (f). And soon after making his Soldiers fill

(a) *Paterc.* l. 2. c. 80. (b) *Sueton* in *August.* c. 21. (c) *Vide Paterc.* l. 2. cap. 206. &c. (d) *Eutrop.* l. 7. (e) *Sueton.* in *Tib.* cap. 41. (f) *Sueton.* in *Calig.* cap. 41. their

their Helmets with Cockle-shells and Pebbles, which he called, *The Spoils of the Ocean* (a), returned to the City to demand a Triumph. And when that Honour was denied him by the Senate, he broke out into such extravagant Cruelties, that he even compelled them to cut him off, for the Security of their own Persons (b). Nay, he was so far from entertaining any Desire of benefiting the Public, that he often complained of his ill Fortune, because no signal Calamity happened in his Time; and made it his constant Wish, That either the utter Destruction of an Army, or some Plague, Famine or Earthquake, or other extraordinary Desolation might continue the Memory of his Reign to succeeding Ages (c).

*Caligula* being assassinated, the Senate assembled in the Capitol, to debate about extinguishing the Name and Family of the *Cæsars*, and restoring the Commonwealth to the old Constitution (d): When one of the Soldiers that were ransacking the Palace lighting casually upon *Claudius*, Uncle to the late Emperor, where he had hid himself in a Corner behind the Hangings, pulled him out to the rest of his Gang, and recommended him as the fittest Person in the World to be Emperor. All were strangely pleased at the Motion; and taking him along with them by Force, lodged him among the Guards (e). The Senate, upon the first Information, sent immediately to stop their Proceedings: But not agreeing among themselves, and hearing the Multitude call out for one Governor, they were at last constrained to confirm the Election of the Soldiers; especially since they had pitched upon such an easy Prince, as would be wholly at their Command and Disposal (f). The Conquest of *Britain* was the most memorable Transaction in his Time; owing partly to an Expedition that he made in Person, but chiefly to the Valour of his Lieutenants, *Ostorius*, *Scapula*, *Aulus Plautius*, and *Vespasian*. The Bounds of the Empire were in his Reign as follow; *Mesopotamia* in the East; the *Rhine* and *Danube* in the North; *Mauritania* in the South, and *Britain* in the West (g).

The Roman Arms cannot be supposed to have made any considerable Progress under *Nero*; especially when *Suetonius* tells us, he neither hoped or desired the Enlargement of the Empire (h). However, two Countries were in his Time reduced into Roman Provinces; the Kingdom of

(a) *Idem*, cap. 46. (b) *Idem*, cap. 47. (c) *Idem*, c. 49. & 56. (d) *Idem*, cap. 31. (e) *Idem*, cap. 60. (f) *Idem* in *Claud.* cap. 10. (g) *Aurelius Victor de Cæsaribus et Cæsaribus Coligala.* (h) *Aurelius Victor de Cæsaribus in Claud.*

*Pontus*, and the *Cottian Alpes*, or that Part of the Mountains which divides *Dauphiné* and *Piedmont*, *Britain* and *Armenia* were once both lost (*a*), and not without great Difficulty recovered. And indeed, his Aversion to the Camp made him far more odious to the Soldiers, than all his other Vices, to the People: So that when the Citizens had the Patience to endure him for fourteen Years, the Army under *Galba*, his Lieutenant in *Spain*, were constrained to undertake his Removal.

*Galba* is acknowledged on all Hands for the great Reformer of martial Discipline: And though before his Accession to the Empire, he had been famous for his Exploits in *Germany* and other Parts (*b*); yet the Shortness of his Reign hindered him from making any Advancements afterwards. His Age and Severity were the only Causes of his Ruin: The first of which rendered him contemptible, and the other odious. And the Remedy he used to appease the Dissatisfactions only ripened them for Revenge. For immediately upon his adopting *Piso*, by which he hoped to have pacified the People, *Otho*, who had ever expected that Honour, and was now enraged at his Disappointment (*c*), upon Application made to the Soldiers, easily procured the Murder of the old Prince, and his adopted Son; and by that Means advanced himself to the Imperial Dignity.

About the same Time, the *German* Army under *Vitellius*, having an equal Aversion to the old Emperor with those at *Rome*, had sworn Allegiance to their own Commander. *Otho*, upon the first Notice of their Designs, had sent to proffer *Vitellius* an equal Share in the Government with himself (*d*). But all Proposals for an Accommodation being refused, and himself compelled, as it were, to march against the Forces that were sent towards *Italy*, he had the good Fortune to defeat them in three small Engagements. But having been defeated in a greater Fight at *Bebriacum*, though he had still sufficient Strength for carrying on the War, and expected daily a Reinforcement from several Parts (*e*); yet he could not be prevailed on to hazard another Battle; but killed himself with his own Hands. On this Account, *Pagan* Authors, though they represent his Life as the most exact Picture of unmanly Softness, yet generally confess his Death equal to the noblest Antiquity; and the same Poet (*f*) that has given him the lasting Title of *mollis Otho*, hath yet set him in Competition with the famous *Cato*, in Reference to the final Action of his Life.

(*a*) *Sueton.* in *Nerone*, cap. 18.    (*b*) *Sueton.* in *Galb.* cap. 8.    (*c*) *Idem*, cap. 17.    (*d*) *Sueton.* in *Otho*, cap. 8.    (*e*) *Ibid.* cap. 9.    (*f*) *Martial.*

It has been observed of *Vitellius*, that he obtained the Empire by the sole Valour of his Lieutenants, and lost it purely on his own Account. His extreme Luxury and Cruelty were for this Reason the more detestable, because he had been advanced to that Dignity, under the Opinion of his being the Patron of his Country, and the Restorer of the Rights and Liberties of the People. Within eight Months Time, the Provincial Armies had unanimously agreed on *Vespasian* (*a*) for their Emperor; and the Tyrant *Vitellius*, after being strangely mangled by the extreme Fury of the Soldiers and Rabble, was at last dragged into the River *Tiber* (*b*).

The Republic was so far from making any Advance-  
ment under the Disturbances of the three last Reigns, that  
she must necessarily have felt the fatal Consequences of them,  
had she not been seasonably relieved by the happy Manage-  
ment of *Vespasian*. It was a handsome Turn of some of  
his Friends, when, by Order of *Caligula*, his Bosom had  
by Way of Punishment been stuffed with Dirt, to put this  
Interpretation on the Accident, that the Commonwealth  
being miserably abused, and even *trodden under Foot*, should  
hereafter fly to his *Bosom* for Protection (*c*); and indeed,  
he seems to have made it his whole Care and Design to re-  
form the Abuses of the City and State, occasioned by the  
Licentiousness of the late Times. Nine Provinces he add-  
ed to the Empire (*d*), and was so very exact in all Circum-  
stances of his Life and Conduct, that one, who has examin-  
ed them both with all the Niceness imaginable, can find no-  
thing in either that deserves Reprehension, except an immod-  
erate Desire of Riches (*e*). And he covertly excuses him for  
this, by extolling at the same Time his extraordinary Mag-  
nificence and Liberality (*f*).

But perhaps he did not more oblige the World by his own  
Reign, than by leaving so admirable a Successor as his Son  
*Titus*; the only Prince in the World that has the Character  
of never doing an ill Action. He had given sufficient Proof  
of his Courage in the famous Siege of *Jerusalem*, and might  
have met with as good Success in other Parts, had he not  
been prevented by an untimely Death, to the universal Grief  
of Mankind.

But *Domitian* so far degenerated from the two excellent  
Examples of his Father and Brother, as to seem more emu-

(*a*) *Sueton.* in *Vitell.* cap. 15.    (*b*) *Ibid.* cap. 17.    (*c*) *Sueton.* in *Vespaf.*  
cap. 5.    (*d*) *Ibid.* p. 11b. 7.    (*e*) *Ibid.* cap. 16.    (*f*) *Ibid.* cap. 17, 18.  
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ious of copying *Nero* or *Caligula*. But as to martial Affairs, he was as happy as most of his Predecessors; having in four Expeditions subdued the *Catti*, *Daci*, and the *Sarmatians*, and extinguished a Civil War in its Beginning (a). By these Means he had so intirely gained the Affections of the Soldiers, that when we meet with his fearest Relations, and even his Wife, engaged in his Murder (b), yet we find the Army so extremely dissatisfied, as to have wanted only a Leader to revenge his Death (c).

(a) *Sueton.* in *Domit.* cap. 6.    (b) *Id. ibid.* cap. 14.    (c) *Id. ibid.* cap. 23.

## C H A P. VI.

### *Of the Roman Affairs, from Domitian to the End of Constantine the Great.*

THE two following Emperors have been deservedly stilled the Restorers of the *Roman* Grandeur; which, by Reason of the Viciousness, or Negligence, of the former Princes, had been extremely impaired.

*Nerva*, though a Person of extraordinary Courage and Virtue, yet did not enjoy the Empire long enough to be on any other Account so memorable, as for substituting so admirable a Successor in his Room as *Trajan*.

It was he, that, for the Happiness which attended his Undertakings, and for his just and regular Administration of the Government, has been set in Competition even with *Romulus*. It was he, that advanced the Bounds of the Empire farther than all his Predecessors; reducing into *Roman* Provinces the five vast Countries of *Dacia*, *Assyria*, *Armenia*, *Mesopotamia*, and *Arabia* (a). And yet his prudent Management in Peace has been generally preferred to his Exploits in War. His Justice, Candour, and Liberality, having gained him such an universal Esteem and Veneration, that he was even deified before his Death.

(a) *Eutrop.* lib. 8.

Adrian's Character has more of the Scholar than the Soldier: Upon which Account, as much as out of Envy to his Predecessor, he flighted three of the Provinces that had been taken by *Trajan*, and was contented to fix the Bounds of the Empire at the River *Euphrates* (*a*). But perhaps he is the first of the *Roman* Emperors that ever took a Circuit round his Dominions, as we are assured he did (*b*).

*Antoninus Pius* studied more the Defence of the Empire, than the Enlargement of it. However, his admirable Prudence and strict Reformation of Manners rendered him, perhaps, as serviceable to the Commonwealth as the greatest Conquerors.

The two *Antonini*, *Marcus* and *Lucius*, were they that made the first Division of the Empire. They are both famous for a successful Expedition against the *Parthians*: And the former, who was the longest Liver, is especially remarkable for his extraordinary Learning and strict Profession of *Skepticism*; whence he has obtained the Name of *the Philosopher*.

*Commodus* was as noted for all Manner of Extravagances, as his Father was for the contrary Virtues; and, after a very short Enjoyment of the Empire, was murdered by one of his Mistresses (*c*).

*Pertinax* too was immediately cut off by the Soldiers, who found him a more rigid Exactor of Discipline, than they had been lately used to. And now, claiming to themselves the Privilege of choosing an Emperor, they fairly exposed the Dignity to Sale (*d*).

*Didius Julian* was the highest Bidder, and was thereupon invested with the Honour. But as he only exposed himself to Ridicule by such a mad Project, he was in an instant made away with, in Hopes of another Bargain. *Zosimus* makes him no better than a Sort of an Emperor in a Dream (*e*).

But the *Roman* Valour and Discipline were in a great Measure restored by *Severus*. Besides a famous Victory over the *Parthians*, the old Enemies of *Rome*, he subdued the greatest Part of *Persia* and *Arabia*, and marching into the Island of *Britain*, delivered the poor Natives from the miserable Tyranny of the *Scots* and *Picts*; which an excellent Historian (*f*) calls the greatest Honour of his Reign.

(*a*) *Eutrop.* lib. 8.    (*b*) *Id. ibid.*    (*c*) *Zosimus*, *Hist.* lib. 1.    (*d*) *Ibid.*  
(*e*) *Ibid.*    (*f*) *Elias Spartan.* in *Sever.*

*Antoninus Caracalla* had as much of a martial Spirit in him as his Father, but died before he could design any Thing memorable, except an Expedition against the *Parthians*, which he had just undertaken.

*Opilius Macrinus* and his Son *Diadumen* had made very little Noise in the World, when they were cut off without much Disturbance, to make room for *Hellogabalus*, Son of the late Emperor.

If he was extremely pernicious to the Empire by his extravagant Debaucheries, his Successor *Alexander Severus* was as serviceable to the State in restoring Justice and Discipline. His noblest Exploit was an Expedition against the *Perians*, in which he overcame their famous King *Xerxes* (a).

*Maximin*, the first that from a common Soldier aspired to the Empire, was soon taken off by *Pupienus*; and he, with his Colleague *Balbinus*, quickly followed; leaving the supreme Command to *Gordian*, a Prince of great Valour and Fortune, and who might probably have extinguished the very Name of the *Perians* (b), had he not been treacherously murdered by *Philip*, who within a very little Time suffered the like Fortune himself.

*Decius* in the former Part of his Reign had been very successful against the *Scythians* and other barbarous Nations; but was at last killed, together with his Son, in an unfortunate Engagement (c).

But *Gallus*, who succeeded him, not only concluded a shameful League with the *Barbarians*, but suffered them to over-run all *Thrace*, *Theffaly*, *Macedon*, *Greece*, &c. (d).

They were just threatening *Italy*, when his Successor *Æmilian* chased them off with a prodigious Slaughter: And, upon his Promotion to the Empire, promised the Senate to recover all the *Roman Territories* that had been entirely lost, and to clear those that were over-run (e). But he was prevented after three Months Reign, by the common Fate of the Emperors of that Time.

After him *Valerian* was so unfortunate as to lose the greatest Part of his Army in an Expedition against the *Perians*, and to be kept Prisoner himself in that Country till the Time of his Death (f).

(a) *Eutrop.* lib. 8. (b) *Pompon. Lætus*, in *Gordian*. (c) *Idem*, in *Decio*. (d) *Idem*, in *Gall*. (e) *Idem*, in *Valeriano*. (f) *Idem*.

Upon the taking of *Valerian* by the *Persians*, the Management of Affairs was committed to his Son *Gallienus*; a Prince so extremely negligent and vicious, as to become the equal Scorn and Contempt of both Sexes (*a*): The Looseness of his Government gave Occasion to the Usurpation of the thirty Tyrants; of whom some indeed truly deserved that Name; others were Persons of great Courage and Virtue, and very serviceable to the Commonwealth (*b*). In his Time the *Almaignes*, after they had wasted all *Gaul*, broke into *Italy*. *Dacia*, which had been gained by *Trajan*, was entirely lost; all *Greece*, *Macedon*, *Pontus*, and *Asia*, over-run by the *Goths*. The *Germans* too had proceeded as far as *Spain*, and taken the famous City *Terracce*, now *Tarragona*, in *Catalonia* (*c*).

This desperate State of Affairs was in some measure redressed by the happy Conduct of *Claudius*, who, in less than two Years Time, routed near three hundred thousand *Barbarians*, and put an intire End to the *Gotbic War*: Nor were his other Accomplishments inferior to his Valour; an elegant Historian (*d*) having found in him the Virtue of *Trajan*, the Piety of *Antoninus*, and the Moderation of *Augustus*.

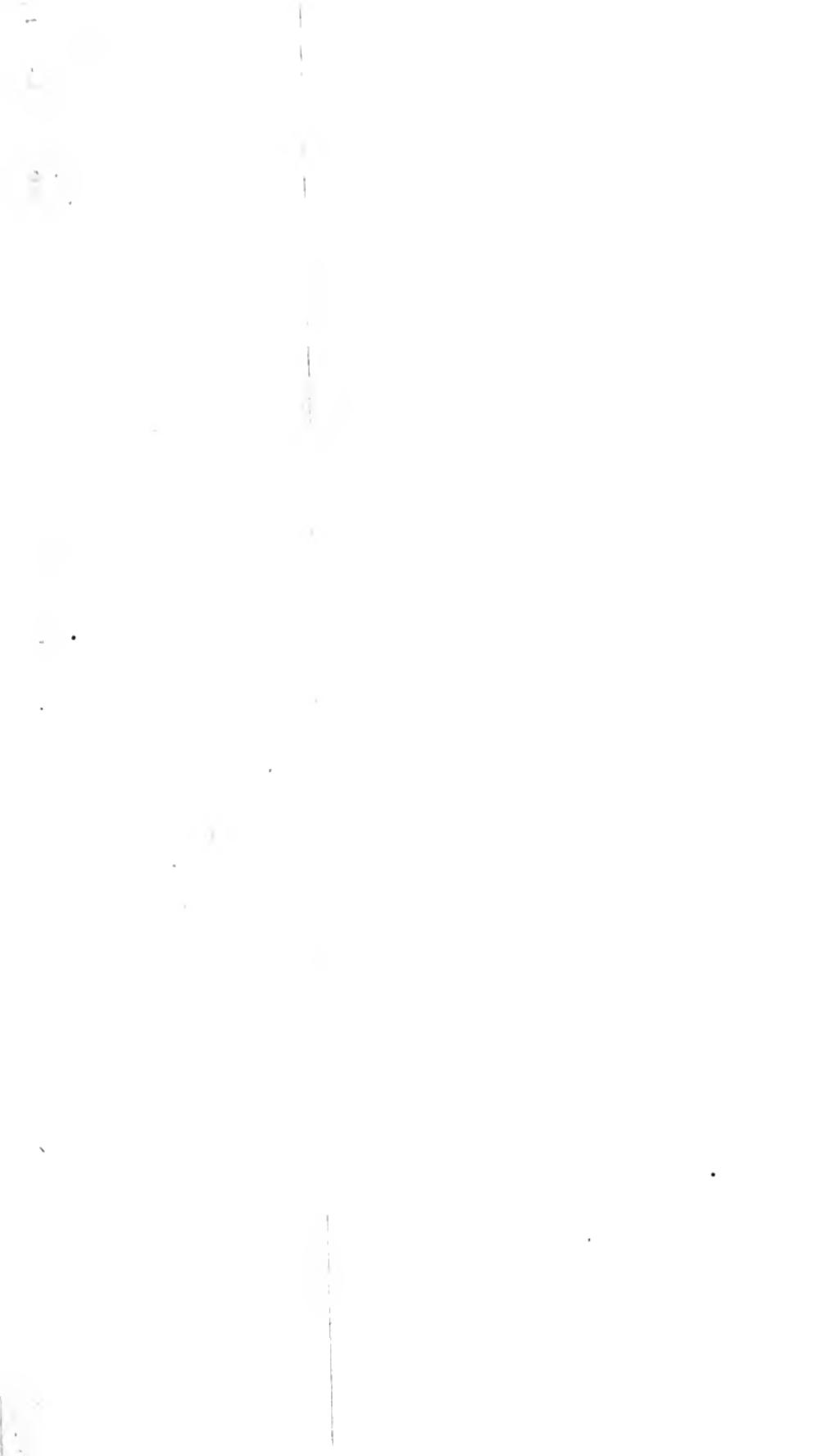
*Quintilius* was, in all Respects, comparable to his Brother; whom he succeeded, not on Account of his Relation, but his Merits (*e*). But reigning only seventeen Days, it was impossible he could do any Thing more than raise an Expectation in the World.

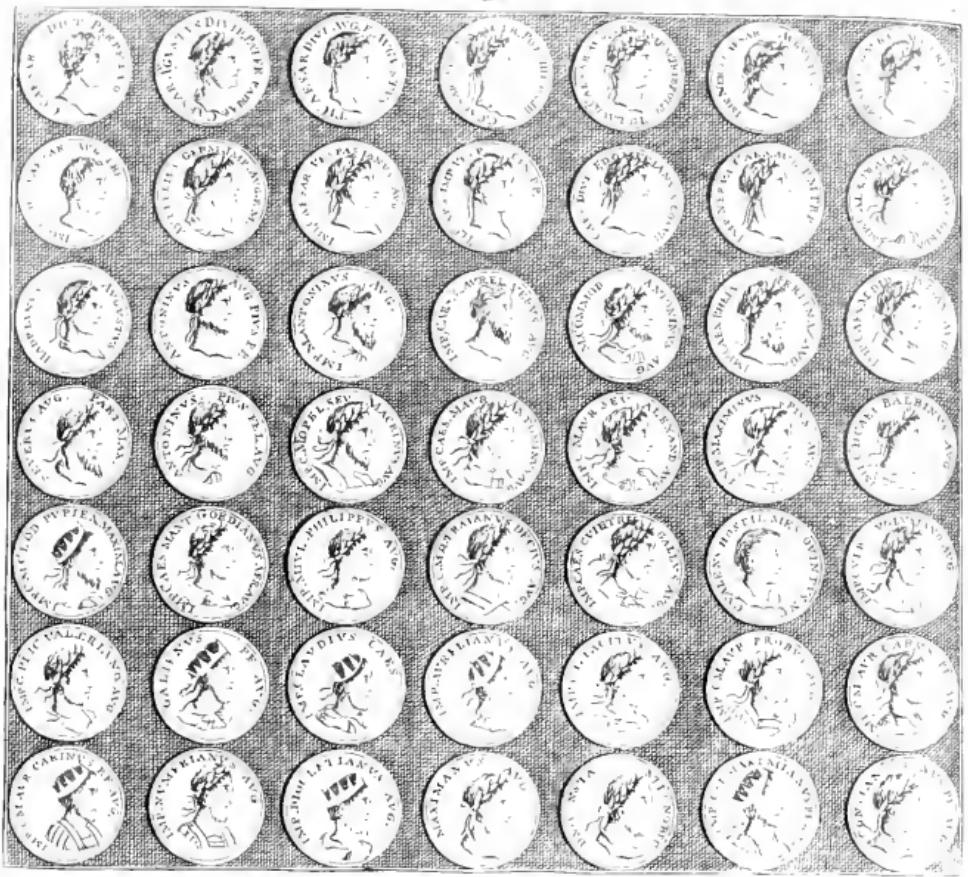
If any of the *Barbarians* were left within the Bounds of the Empire by *Claudius*, *Aurelian* intirely chased them out. In one single War he is reported to have killed a thousand of the *Sarmatians* with his own Hands (*f*). But his noblest Exploit was the conquering of the famous *Zenobia*, Queen of the East (as she styled herself) and the taking of her Capital City *Palmyra*. At his Return to *Rome*, there was scarce any Nation in the World, out of which he had not a sufficient Number of Captives to grace his Triumph: The most considerable were the *Indians*, *Arabians*, *Goths*, *Franks*, *Suevians*, *Saracens*, *Vandals*, and *Germans* (*g*).

*Tacitus* was contented to shew his Moderation and Justice, in the quiet Management of the Empire, without any hostile Design: Or had he any such Inclinations, his short Reign must necessarily have hindered their Effect.

*Probus*, to the wise Government of his Predecessor, added the Valour and Conduct of a good Commander: It was he that obliged the barbarous Nations to quit all their footing

(*a*) *Tr. Bell. Pelt. in Tran.* (*b*) *Ib. in Cal. n. 7.* (*c*) *Eutrop. l. 9.* (*d*) *Trebelt. P. ill. in Claudi.* (*e*) *Ibid.* (*f*) *Flavius Epif. in Aureliano.* (*g*) *Ibid.*





in *Gaul*, *Illyricum*, and several Provinces of the Empire, so that even the *Parthians* sent him flattering Letters, confessing the dismal Apprehensions they entertained of his Designs against their Country, and beseeching him to favour them with a Peace (a).

There was scarce any Enemy left to his Successor *Carus*, except the *Perians*; against whom he accordingly undertook an Expedition: But, after two or three successful Engagements, he was killed by a Flash of Lightning (b).

His two Sons, *Carinus* and *Numerian*, were of so opposite a *Genius*, that one is generally represented as the worst, the other as the best of Men. *Numerian* was soon treacherously murdered by *Aper*; who, together with the Emperor *Carinus*, in a little Time, gave way to the happy Fortune of *Diolesian*, the most successful of the latter Emperors; so famous for his prodigious Exploits in *Egypt*, *Perisia*, and *Armenia*, that a *Roman Author* (c) has compared him with *Jupiter*, as he does his Son *Maximinian* with *Hercules*.

*Constantinus Chlorus* and *Galerius*, were happier than most of their Predecessors, by dying, as they had for the most part, lived in Peace.

Nor are *Severus* and *Maximinian* on any Account very remarkable, except for leaving so admirable a Successor, as the famous *CONSTANTINE*; who, ridding himself of his two Competitors, *Lucinius* and *Maxentius*, advanced the Empire to its antient Grandeur. His happy Wars, and wise Administration in Peace, have gained him the Surname of *The GREAT*, an Honour unknown to former Emperors: Yet, in this Respect, he is justly reputed unfortunate, that, by removing the Imperial Seat from *Rome* to *Constantinople*, he gave Occasion to the utter Ruin of *Italy*.

(a) *Flavius Vopisc. in Probi. Lætus in vita ejus.*

(b) *Idem, in Caro.*

(c) *Pomponius*

## C H A P. IV.

*Of the ROMAN Affairs, from Constantine the Great, to the taking of Rome by Odoacer, and the Ruin of the Western Empire.*

THOUGH the three Sons of *Constantine* at first divided the Empire into three distinct Principalities; yet it was afterwards re-united under the longest Survivor, *Constantius*. The Wars between him and *Magnentius*, as they proved fatal to the Tyrant, so they were extremely prejudicial to the whole State; which at this Time was involved in such unhappy Difficulties, as to be very unable to bear so excessive a Loss of Men, not less than 54,000 being killed on both Sides (a). And, perhaps, this was the chief Reason of the ill Success, which constantly attended the Emperor in the Eastern Wars: For the *Perians* were constantly his Superiors; and when at last a Peace was concluded, the Advantage of the Conditions lay on their Side.

*Julian*, as he took effectual Care for the Security of the other Bounds of the Empire; so his Designs against the most formidable Enemies, the *Perians*, had all the Appearance of Success; but he lost his Life before they could be fully put in Execution.

*Firian* was no sooner elected Emperor, but, being under some Apprehension of a Rival in the West, he immediately concluded a most dishonourable Peace with the *Perians*, at the Price of the famous City *Nisbis*, and all *Mesopotamia*. For which base Action, as he does not fail of an Invective from every Historian; so particularly *Ammianus Marcellinus* (b) and *Zosimus* have taken the Pains to shew, that he was the first *Roman* Governor who resigned up the least Part of their Dominions upon any Account.

*Valentinian* the First has generally the Character of an excellent Prince: But he seems to have been more studious of obliging his Subjects, by an easy and quiet Government, than desirous of acting any Thing against the encroaching Enemies.

*Gratian* too, though a Prince of great Courage and Experience in War, was able to do no more than settle the single Province of Gaul: But he is greatly applauded by Historians, for taking such extraordinary Care in the Business

(a) *Præf. Latu.*

(b) *Lib. 25.*

of a Successor: For being very sensible of the continual Decay of the Empire, and that the State, if not at the last Gasp, yet was very nigh beyond all Hopes of Recovery; he made it his whole Study to find out a Person that should, in all Respects, be capacitated for the noble Work of the Deliverance of his Country. The Man he pitched upon was *Theodosius*, a Native of *Spain*; who being now invested with the Command of the East, upon the Death of *Gratian*, remained the sole Emperor. And, indeed, in a great Measure, he answered the Expectation of the World, proving the most resolute Defender of the Empire in its declining Age. But for his Colleague, *Valentinian the Second*, he was cut off, without having done any Thing very memorable.

Under *Honorius* Things returned to their former desperate State, the barbarous Nations getting Ground on all Sides, and making every Day some Diminution in the Empire; till at last, *Alaric*, King of the *Goths*, wasting all *Italy*, proceeded to *Rome*; and contenting himself with setting a few Buildings on Fire, and rifling the Treasuries, retired with his Army (a): So that this is rather a Disgrace, than a Destruction of the City. And *Nero* is supposed to have done more Mischief when he set it on Fire in *Jest*, than it now suffered from its Conqueror.

*Valentinian the Third*, at his Accession to the Empire, gave great Hopes of his proving the Author of a happy Revolution (b); and he was very fortunate in the War against the famous *Attila the Hun*: But his Imprudence in putting to Death his best Commander *Aetius*, very much hastened the Ruin of the *Roman Cause*, the barbarous Nations now carrying all before them, without any considerable Opposition.

By this Time the State was given over as desperate; and the Princes that followed, till the taking of the City by *Odoacer*, were only short-lived Tyrants, remarkable for nothing but the Meanness of their Extraction, and the Weakness of their Government; so that Historians generally pass them over in Silence, or, at most, with the bare Mention of their Names.

The best Account of them we can meet with, is as follows: *Maximus*, who, in order to his own Promotion, had procured the Murder of *Valentinian*, soon after compelled his Widow *Eudoxia* to accept of him for a Husband; when the Empress, entertaining a mortal Hatred for him on many Accounts, sent to *Genseric*, a famous King of the *Huns*,

(a) *Paul. Diacon. & Pomp. Lat.*

(b) *Pomp. Lat.*

*dals*, and a Confederate of the late Emperor, desiring his Assistance for the Deliverance of herself and the City from the Usurpation of the Tyrant. *Genseric* readily obeyed ; and landing with a prodigious Army in *Italy*, entered *Rome* without any Opposition ; where, contrary to his Oath and Promise, he seized on all the Wealth, and carried it, with several thousand of the Inhabitants, into *Afric* (*a*).

*Avitus*, the General in *Gaul*, was the next that took upon him the Name of Emperor, which he resigned within eight Months (*b*).

*Majorianus* succeeded ; and after three Years left the Honour to *Severus*, or *Severian* ; who, after four Years Reign, died a natural Death (*c*).

After him, *Athemiūs* was elected Emperor, who lost his Life and Dignity in a Rebellion of his Son-in-Law *Ricimer* (*d*). And then *Olybrius* was sent from *Constantinople*, with the same Authority : but died within seven Months (*e*).

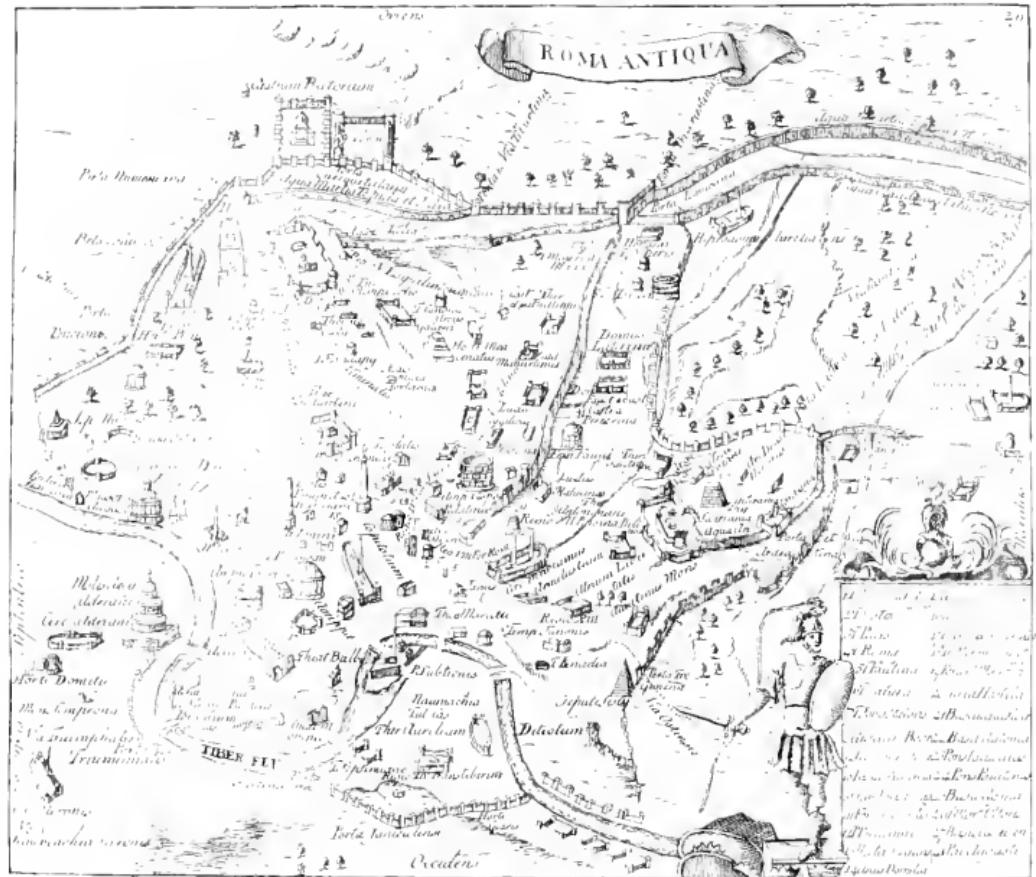
*Liarius* or *Glycerius*, who had been elected in his Room by the Soldiers, was almost immediately deposed by *Nepos* ; and he himself quickly after by *Orestes* (*f*) ; who made his Son *Augustus*, or *Augustulus*, Emperor. And now *Odoacer*, King of the *Heruli*, with an innumerable Multitude of the barbarous Nations, ravaging all *Italy*, approached to *Rome* ; and entering the City without any Resistance, and deposing *Augustulus*, secured the Imperial Dignity to himself ; and though he was forced afterwards to give place to *Theodoric* the *Goth*, yet the *Romans* had never after the least Command in *Italy*.

(*a*) *Paul. Diacon. & Evagrius Hist. Eccles.* lib. 2. cap. 7.      (*b*) *Id. ibid.*  
(*c*) *Paul. Diacon.* lib. 16.    (*d*) *Ibid.*    (*e*) *Ibid.*    (*f*) *Fernandis de Regn. Success.*



ROMA ANTIQUA

- 13 -



THE

# Antiquities of ROME.

## PART II. BOOK I.

### Of the CITY.

#### CHAP. I.

*Of the Pomœrium, and of the Form and Bigness of the CITY, according to the Seven Hills.*

BEFORE we come to take a particular View of the City, it is necessary to take notice of the *Pomœrium*, for the Singularity of the Custom, to which it owed its Original. *Livy* defines the *Pomœrium*, in general, to be that Space of Ground both within and without the Walls, which the *Augures*, at the first Building of Cities, solemnly consecrated, and on which no Edifices were suffered to be raised (*a*). But the Account which *Plutarch* gives us of this Matter, in Reference to *Rome*, is sufficient to satisfy our Curiosity; and is delivered by him to this Purpose: *Romulus* having sent for some of the *Tuscans*, to instruct him in the Ceremonies to be observed in laying the Foundations of his City, the Work was begun in this Manner:

First, they dug a Trench, and threw into it the first Fruits of all Things, either good by Custom, or necessary by Nature: and every Man taking a small Turf of Earth of the Country from whence he came, they all cast them in promiscuously together; making this Trench their Centre, they described the City in a Circle round it: Then the Founder fitted to a Plough a

(*a*) *Liv.* lib. 1.

brazen Plough-share ; and yoking together a Bull and a Cow, drew a deep Line, or Furrow, round the Bounds ; those that followed after, taking care that the Clods fell inwards, towards the City. They built the Wall upon this Line, which they called *Pomærium* from *Pone Mænia* (a). Though the Phrase of *Pomærium proferre* be commonly used in Authors, to signify the enlarging of the City ; yet it is certain the City might be enlarged without that Ceremony. For *Tacitus* and *Gellius* declare no Person to have had a Right of extending the *Pomærium*, but such a one as had taken away some Part of an Enemy's Country in War ; whereas it is manifest, that several great Men, who never obtained that Honour, considerably encreased the Buildings.

It is remarkable, that the same Ceremony with which the Foundations of their Cities were at first laid, they also used in destroying Places taken from the Enemy ; which was begun by the Chief Commander's turning up some of the Walls with a Plough (b).

As to the Form and Bigness of the City, we must follow the common Direction of the Seven Hills ; whence came the Phrase of *Urbs Septicallis*, and the like, so frequent with the Poets.

Of these *Mons Palatinus* has ever had the Preference ; whether so called from the People *Palantes*, or *Palatini* ; or from the Bleating and Strolling of Cattle, in *Latin*, *Balare* and *Palare* ; or from *Pales*, the Pastoral Goddess ; or from the Burying Place of *Pallas*, we find disputed, and undetermined among their Authors. It was in this Place that *Romulus* laid the Foundations of the City in a Quadrangular Form ; and here the same King and *Tullus Hostilius* kept their Courts, as did afterwards *Augustus*, and all the succeeding Emperors ; on which Account, the Word *Palatium* came to signify a Royal Seat (c).

This Hill to the East has *Mons Cælius* ; to the South, *Mons Aventinus* ; to the West, *Mons Capitolinus* ; to the North, the *Forum* (d).

In Compass it is twelve hundred Paces (e).

*Mons Tarpeius* took its Name from *Tarpeia*, a *Roman* Virgin who betrayed the City to the *Sabines* in this Place (f). It was likewise called *Mons Saturni* and *Saturnius*, in Honour of *Saturn*, who is reported to have lived here in his Retirement, and was ever reputed the Tutelar Deity of this

(a) *Plutarch. in Romul.* (b) *Dempster. Paralipem. ad Resin.* lib. 1. cap. 3. (c) *Resin. Antiq.* lib. 1. cap. 4. (d) *Fabricius Roma*, cap. 3. (e) *Marlian. Topograph. Antiq. Romæ*, lib. 1. cap. 1. (f) *Plutarch. in Romul.*

Part of the City. It had afterwards the Denomination of *Capitolinus*, from the Head of a Man casually found here in digging for the Foundations of the famous Temple of *Jupiter* (a), called *Capitolium*, for the same Reason. This Hill was added to the City by *Titus Tatius*, King of the *Sabines*, when having been first overcome in the Field by *Romulus*, he and his Subjects were permitted to incorporate with the *Romans* (b). It has to the East, *Mons Palatinus* and the *Forum*; to the South, the *Tiber*; to the West, the level Part of the City; and to the North, *Collis Quirinalis* (c).

In Compass it is seven *Stadia*, or *Furlongs*, (d).

*Collis Quirinalis* was so called either from the Temple of *Quirinus*, another Name of *Romulus*; or more probably from the *Curetes*, a People that removed hither with *Tatius* from *Cures*, a *Sabine* City (e). It afterwards changed its Name to *Caballus*, *Mons Caballi*, and *Caballinus*, from the two Marble-Horses, with each a Man holding him, which are set up here. They are still standing; and, if the Inscription on the Pilasters be true, were the Work of *Pheidias* and *Praxiteles* (f); made by those famous Masters to represent *Alexander the Great* and his *Bucephalus*, and sent to *Nero* for a Present by *Tiridates* King of *Armenia*. This Hill was added to the City by *Numa* (g).

To the East it has *Mons Esquilinus* and *Mons Viminalis*; to the South, the *Forum* of *Cæsar* and *Nerua*; to the West, the level Part of the City; to the North, *Collis Hortulorum* and the *Campus Martius* (h).

In Compass it is almost three Miles (i).

*Mons Cælius* owes its Name to *Cælius*, or *Cæles*, a famous *Tuscan* General, who pitched his Tents here, when he came to the Assistance of *Romulus* against the *Sabines* (k). *Livy* (l) and *Dionysius* (m) attribute the taking of it in to *Tullius Hostilius*; but *Strabo* (n) to *Ancus Martius*. The other Names by which it was sometimes known, were *Querculanus*, or *Quercetulanus*, and *Augustus*: The first occasioned by the Abundance of Oaks growing there; the other imposed by the Emperor *Tiberius*, when he had raised new Buildings upon it after a Fire (o).

One Part of this Hill was called *Cælianus*, and *Minor Cælius* (p.) To the East it has the City Walls; to the South,

(a) *Liv.* lib. 1 cap. 55. (b) *Dionysius* (c) *Fabricii Roma* cap. 3. (d) *Marlian.* lib. 1. cap. 1. (e) *Suet. Petib. Festus.* (f) *Fabricii Roma*, cap. 3. (g) *Dionys. Hal.* lib. 2. (h) *Fabricii Roma*, cap. 3. (i) *Marlian.* l. 1. c. 1. (k) *Varro de Ling. Lat.* lib. 4. (l) *Liv.* cap. 30. (m) *Liv.* 3. (n) *Geogr.* l. 5. (o) *Tacit. Ann.* 4. *Suet. in Tib.* cap. 48. (p) *Fabricii Roma*, cap. 3.

*Mons Aventinus*; to the West, *Mons Palatinus*; to the North, *Mons Esquilinus* (a).

In Compass it is about two Miles and a half (b).

*Mons Esquilinus* was antiently called *Cispius* and *Oppius* (c); The Name of *Esquilinus* was varied, for the easier Pronunciation, from *Exquilinus*, a Corruption of *Excubinus*, *ab Excubitis*, from the Watch that *Remulus* kept here (d). It was taken in by *Servius Tullius* (e), who had here his Royal Seat (f). *Varro* says the *Esquiliæ* are two Mountains (g); which Opinion has been since approved of, by a curious Observer (h).

To the East it has the City-Walls; to the South, the *Via Labicana*; to the West, the Valley lying between *Mons Cælius* and *Mons Palatinus*; to the North, *Collis Viminalis*. (i)

In Compass it is about four Miles (k).

*Mons Viminalis* derives its Name from the Osiers that grew there in great Plenty. This Hill was taken in by *Servius Tullius* (l).

To the East it has the *Campus Esquinalis*; and to the South, Part of the *Saburra* and the *Forum*; to the West, *Mons Quirinalis*; to the North, the *Vallis Quirinalis* (m).

In Compass it is two Miles and a half (n).

The Name of *Mons Aventinus* has given great Cause of Dispute among the Critics; some deriving the Word from *Aventinus* an Alban King (o); some from the River *Avens* (p); and others *ab Avis*, from the Birds which used to fly hither in great Flocks from the *Tiber* (q). It was also called *Murcia*, from *Murcia*, the Goddess of Sleep, who had here a *Sacellum*, or little Temple (r); *Collis Dianaæ*, from the Temple of *Diana* (s); and *Remonius* from *Remus*, who would have the City begun in this Place, and was here buried (t). *A. Gellius* affirms (u), that this Hill, being reputed sacred, was never inclosed within the Bounds of the City, until the Time of *Claudius*. But *Eutropius* (w) expressly attributes the taking of it in to *Ancus Martinus*; and an old Epigram, inserted by *Cyprianian* in his Comment on *Cassiodorus*, confirms the same.

To the East it has the City-walls; to the South, the *Campus Figulinus*; to the West, the *Tiber*; to the North, *Mons Palatinus* (x).

(a) *Pid.* (b) *Marlian.* lib. 1. cap. 1. (c) *Fabrigii Roma.* cap. 3. (d) *Pid.* *De L. c. 2. I. 1. g. 8.* (e) *Iwo.* lib. 1. cap. 44. (f) *Ib.* (g) *De Ling. Lat.* 1. 4. (h) *Marlian.* lib. 1. cap. 1. (i) *Fabrigii Roma.* cap. 3. (k) *Marlian.* 1. 1. c. 1. (l) *Ditrys.* 1. 2. (m) *Fabrigii Roma.* cap. 3. (n) *Marlian.* lib. 1. c. 1. (o) *Farred. Ling. Lat.* 1. 4. (p) *Ib.* (q) *Ib.* (r) *Sext. Pomp. Fiftus.* 1. 2. 2. (s) *Plat.* in *R. mul.* (u) *Lib.* 13. cap. 14. (w) *Lib.* 1. (x) *Fabrigii Roma.* cap. 3.

In Circuit it is eighteen *Stadia*, or two Miles and a Quarter (a.)

Besides these seven principal Hills, three other of inferior Note were taken in in latter Time.

*Collis Hortulorum*, or *Hortorum*, had its Name from the famous Gardens of *Sallust* adjoining it (b.). It was afterwards called *Pincius*, from the *Pincii*, a noble Family who had here their Seat (c.). The Emperor *Aurelian* first inclosed it within the City-Walls (d.).

To the East and South, it has the plainest Part of *Mons Quirinalis*; to the West, the *Vallis Martia*; to the North, the Walls of the City (e.).

In Compass it is about eighteen *Stadia* (f.).

*Janiculum*, or *Janicularis*, was so called, either from an old Town of the same Name, said to have been built by *Janus*, or, because *Janus* dwelt and was buried here (g.). Or, because it was a Sort of *Gate* to the *Romans*, whence they issued out upon the *Tuscans* (h.). The sparkling Sands have at present given it the Name of *Mons aurens*, and by Corruption *Montorius* (i.). We may take two Observations about this Hill from one Epigram of *Martial*; that it is the fittest Place to take one's Standing for a full Prospect of the City; and that it is less inhabited than the other Parts, by Reason of the Grossness of the Air (k.). It is still famous for the Sepulchres of *Numa*, and *Statius* the Poet. (l.).

To the East and South it has the *Tiber*; to the West, the Fields; to the North, the *Vatican* (m.).

In Circuit (as much of it as stands within the City-Walls) it is five *Stadia* (n.).

*Mons Vaticanus* owes its Name to the Answers of the *Vates*, or Prophets, that used to be given here; or from the God *Vaticanus* or *Vagitanus* (o.). It seems not to have been enclosed within the Walls until the Time of *Aurelian*.

This Hill was formerly famous for the Sepulchre of *Scitio Africani*; some Remains of which are still to be seen (p.). But it is more celebrated at present on account of St. Peter's Church, the Pope's Palace, and the noblest Library in the World.

(a) *Martial*. lib. 1. cap. 1. (b) *Rofin*. lib. 1. cap. 11. (c) *Ibid.* (4) *Ibid.* (e) *Fabrii R.ma*, cap. 3. (f) *Martial*. lib. 1. cap. 1. (g) *Rofin*. lib. cap. 11. (h) *Festus*. (i) *Fabrii R.ma*, cap. 3. (k) *Martial*. *Epig.* lib. 4. *Epi. 62.* (l) *Fabrii R.ma*, lib. cap. 3. (m) *Ibid.* (7) *Martial*. lib. 1. cap. 1. (j) *Festus*. (p) *Warcup's* Hill, of *Italy*, Book 2.

To the East it has the *Campus Vaticanus* and the River; to the South, the *Faniculum*; to the West, the *Campus Figulinus*, Potters Field; to the North, the *Prata Quintia* (*a*).

It lies in the Shape of a Bow drawn up very high; the convex Part stretching almost a Mile (*b*).

As to the Extent of the whole City, the greatest we meet with in History was in the Reign of *Valerian*, who enlarged the Walls to such a Degree as to surround the Space of fifty Miles (*c*).

The Number of Inhabitants, in its flourishing State, *Lipsius* computes at four Millions (*d*).

At present the Compass of the City is not above thirteen Miles (*e*).

(*a*) *Fabrichii R:ma*, cap. 3. (*b*) *Marlian.* lib. 8. cap. 1. (*c*) *Vopisc.* in *Aurelian.* (*d*) *De Magnitud. R:em.* (*e*) *Fabrichii R:om.* cap. 2.

## C H A P. II.

### *Of the Division of the CITY into Tribes and Regions: And of the Gates and Bridges.*

**R**OMULUS divided his little City into three *Tribes*; and *Servius Tullius* added a fourth; which Division continued until the Time of *Augustus*. It was he first appointed the fourteen *Regions* or *Wards*: An Account of which, with the Number of Temples, Baths, &c. in every Region, may be thus taken from the accurate *Panvinius*.

#### REGION I. *PORTA CAPENIA.*

Streets 9.	Arches 4.
<i>Luci</i> 3.	Barns 14.
Temples 4.	Mills 12.
<i>Ædes</i> 6.	Great Houses 121.
Public Baths 6.	

The whole Compass 13,223 Feet.

#### REGION II. *COELI MONTIUM.*

Streets 12.	Private Baths 80.
<i>Luci</i> 2.	The Great Shambles.
	Tem-

Temples 5.	Barns 23.
The Public Baths of the City.	Mills 24.
	Great Houses 133.

The Compas 13,200 Feet.

### REGION III. ISIS and SERAPIS.

Streets 8.	The Baths of Titus, Trojan,
Temples 2.	and Philip.
The Amphitheatre of Vespaſian.	Barns 29, or 19.
	Mills 23.
	Great Houses 160.

The Compas 12,450 Feet.

### REGION IV. VIA SACRA, or TEMPLOM PACIS.

Streets 8.	and Constantine.
Temples 10.	Private Baths 75.
The Colouſſus of the Sun, 120 Feet high.	Barns 18.
	Mills 24.
The Arches of Titus, Severus,	Great Houses 138.

The Compas 14,000, or, as some say, only 8,000 Feet.

### REGION V. ESQUILINA.

Streets 15.	Private Baths 75.
Luci 8.	Barns 23.
Temples 6.	Mills 22.
Ædes 5.	Great Houses 180.

The Compas 15,950 Feet.

### REGION VI. ACTA SEMITA.

Streets 12, or 13.	Private Baths 75.
Temples 15.	Barns 19.
Porticoes 2.	Mills 23.
Circi 2.	Great Houses 155.
Fora 2.]	

The Compas 15,600 Feet.

REGION VII. *VIA LATA.*

Streets 40.	Mills 17.
Temples 4.	Barns 25.
Private Baths 75.	Great Houses 120.
Arches 3.	
The Compass 23,700 Feet.	

REGION VIII. *FORUM ROMANUM.*

Streets 12.	<i>Curiæ</i> 4.
Temples 21.	<i>Basilicæ</i> 7.
Private Baths 66.	Columns 6.
Ædes 10.	Barns 18.
Porticoes 9.	Mills 30.
Arches 4.	Great Houses 150.
Fora 7.	
The Compass 14,367 Feet.	

REGION IX. *CIRCUS FLAMINIUS.*

Streets 30.	<i>Curiæ</i> 2.
Temples 8.	<i>Thermæ</i> 5.
Ædes 20.	Arches 2.
Porticoes 12.	Columns 2.
<i>Circi</i> 2.	Mills 32.
Theatres 4.	Barns 32.
<i>Basilicæ</i> 3.	Great Houses 189.
The Compass 30,560 Feet.	

REGION X. *PALATIUM.*

Streets 7.	Private Baths 15.
Temples 10.	Mills 12.
Ædes 9.	Barns 16.
Theatre 1.	Great Houses 109.
<i>Curiæ</i> 4.	
The Compass 11,600 Feet.	

REGION XI. *CIRCUS MAXIMUS.*

Streets 8.	Barns 16.
<i>Aedes</i> 22.	Mills 12.
Private Baths 15.	Great Houses 189.
	The Compas 11,600 Feet.

REGION XII. *PISCINA PUBLICA.*

Streets 12.	Barns 28.
<i>Aedes</i> 2.	Mills 25.
Private Baths 68.	Great Houses 128.
	The Compas 12,000 Feet.

REGION XIII. *AVENTINUS.*

Streets 17.	Barns 36.
<i>Luci</i> 6.	Mills 30.
Temples 6.	Great Houses 155.
Private Baths 74.	The Compas 16,300 Feet.

REGION XIV. *TRANS-TIBERINA.*

Streets 23.	Barns 20.
<i>Aedes</i> 6.	Mills 32.
Public Baths 136.	Great Houses 150.
	The whole Compas 33,409 Feet.

As to the Gates, *Romulus* built only three, or (as some affirm,) four at most. But as Buildings were enlarged, the Gates were accordingly multiplied; so that *Pliny* tells us, there were thirty-four in his Time.

The most remarkable were,  
*Porta Flumentata*, so called, because it stood near the River.

*Porta Flaminia*, deriving its Name from the *Flaminian Way* which begins there.

*Porta Carmentalis*, built by *Romulus*, and so called from *Carmenta*, the Prophets, Mother of *Evander*.

*Porta Nævia*, which *Varro* derives *a nemoribus*, from the Woods which formerly stood near it.

*Porta Salaria*, deriving its Name from the Salt, which the *Sabines* used to bring in at that Gate from the Sea, to supply the City.

*Porta Capena*, so called from *Capua*, an old City of Italy, to which the Way lay through this Gate. It is sometimes called *Appia*, from *Appius*, the Censor; and *Triumphalis*, from the Triumphs in which the Procession commonly passed under here; and *Fontinalis* from the *Aqueducts* which were railed over it: Whence *Juvenal* calls it, *Madida Capena*, and *Martial*, *Capena, grandi Porta quæ pluit guttâ*.

The *Tiber* was passed over by eight Bridges; the Names of which are thus set down by *Marlian*: *Melvius, Ælius, Vaticanus, Janiculensis, Cestius, Fabricius, Palatinus, and Sublacus*.

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### C H A P. III.

*Of the Places of Worship; particularly of the TEMPLES and LUCI.*

BEFORE we proceed to take a View of the most remarkable Places set apart for the Celebration of Divine Service, it may be proper to make a short Observation about the general Names, under which we meet with them in Authors.

*Templum* was a Place which had not only been dedicated to some Deity, but was also formally consecrated by the *Augurs*.

*Ædes Sacrae*, were such as wanted that Consecration; which, if they afterwards received, they changed their Names to Temples. Vid. *A. Gel. L. XIV. C. 7.*

*Delubrum*, according to *Severus*, was a Place that under one Roof comprehended several Deities.

*Ædicula* is only a Diminutive, and signifies no more than a little *Ædes*.

*Sacellum* may be derived the same Way from *Ædes Sacrae*. *Egellus* tells us, it is a Place sacred to the Gods without a Roof.

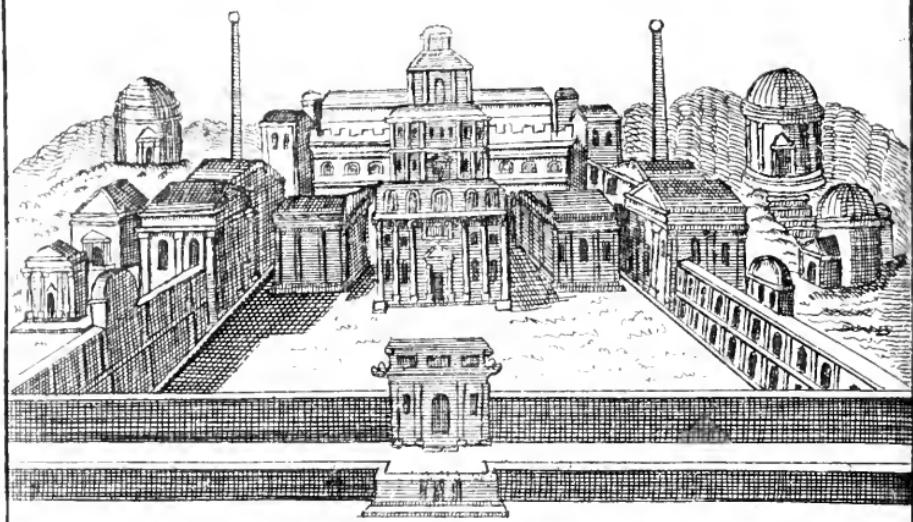
It would be endless to reckon up but the bare Names of all the Temples we meet with in Authors. The most celebrated on all Accounts were the *Capitol* and the *Pantheon*.

The *Capitol*, or Temple of *Jupiter Capitolinus*, was the Title of a *Tower* made by *Tarquinius Priscus* in the *Sabine War*.

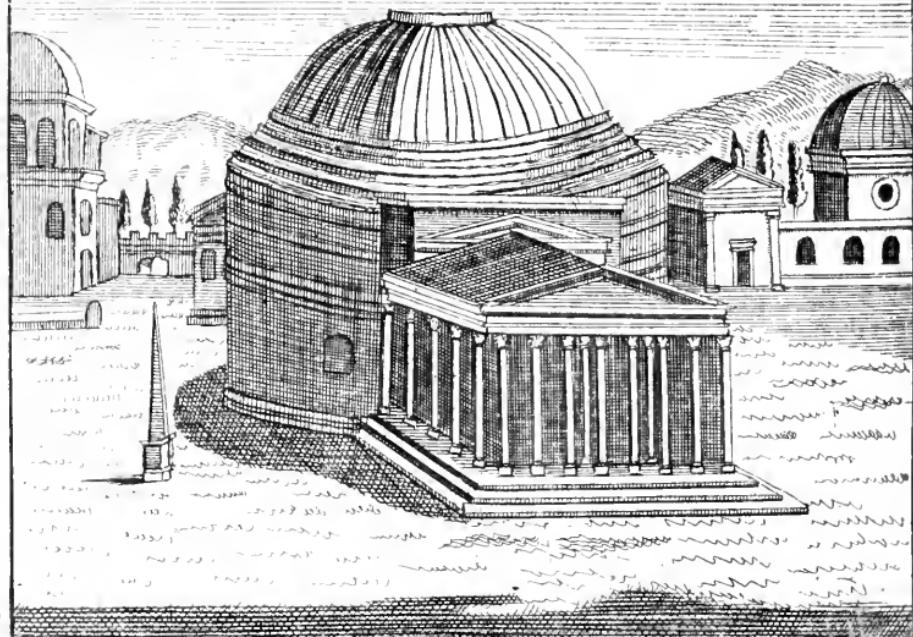


CAPITOLIUM

39



Temp1.PAN THEON vulgo Rotunda.



War (a). But he had scarce laid the Foundations before his Death. His Nephew, *Tarquin the Proud*, finished it with the Spoils taken from the neighbouring Nations (b). But upon the Expulsion of the Kings, the Consecration was performed by *Horatius* the Consul (c). The Structure stood on a high Ridge, taking in four Acres of Ground. The Front was adorned with three Rows of Pillars; the other Sides with two (d). The Ascent from the Ground was by an hundred Steps (e). The prodigious Gifts and Ornaments, with which it was at several Times endowed, were almost incredible. *Suetonius* (f) tells us, that *Augustus* gave at one Time two thousand Pound Weight of Gold: And in Jewels and precious Stones, to the Value of five hundred Sesterces. *Livy* and *Pliny* (g) surprize us with Accounts of the brazen Thresholds; the noble Pillars that *Sylla* removed hither from the Temple of *Jupiter Olympus* at *Athens*; the gilded Roof, Shields, and those of solid Silver; the huge Vessels of Silver, holding three Measures; the golden Chariot, &c. This Temple was first consumed by Fire in the *Marian War*, and then re-built by *Sylla*; who, dying before the Dedication, left that Honour to *Quintius Catulus*. This too was demolished in the *Vitellian Sedition*. *Vespasian* undertook a third, which was burnt down about the Time of his Death. *Domitian* raised the last and most glorious of all; in which the very Gilding amounted to twelve thousand Talents (h). On which Account *Plutarch* (i) has observed of that Emperor, that he was like *Midas*, desirous of turning every Thing into Gold. There are very little Remains of it at present; yet enough to make a *Christian Church* (k).

The *Pantheon* was built by *Marcus Agrippa*, Son-in-Law to *Augustus Cæsar*; and dedicated either to *Jupiter Ultor*, or to *Mars* and *Venus*, or, more probably, to all the Gods in general, as the very Name τὸν παντὸν Θεὸν implies. The Structure, according to *Fabricius* (l), is an hundred and forty Feet high, and about the same Breadth. But a later Author has asserted the Number of Feet to be an hundred and fifty-eight. The Roof is curiously vaulted, void Places being left at proper Distances for the greater Strength. The Rafters were Pieces of Brass of forty Feet in Length. There are no Windows in the Edifice, only a round Hole at the Top of the Roof, which serves for the Admision of the Light. Dia-

(a) *Liv. lib. 1.* (b) *Ibid.* (c) *Plutarch. in Poplicol.* (d) *Dionys. Halicar.*  
 (e) *Tacitus.* (f) In *August. cap. 30.* (g) *Liv. lib. 10. 35. 2<sup>o</sup>.* *I. in. lib. 33.*  
 &c. (h) *Plutarch. in Poplicola.* (i) *Ibid.* (k) *Fabrie. P. in. cap. 9.* (l) *Ibid.*

metrically under is cut a curious Gutter to receive the Rain. The Walls on the Inside are either solid Marble, or incrusted (*a*). The Front on the Outside was covered with brazen Plates gilt, and the Top with Silver Plates, which are now changed to Lead (*b*). The Gates were Brasses, of extraordinary Work and Magnitude (*c*).

The Temple is still standing with little Alteration, except the Loss of the old Ornaments, being converted into a *Christian Church* by Pope *Boniface III.* (or, as *Polydore Virgil* (*d*) says, by *Boniface IV.*) and dedicated to St. *Mary* and *All Saints*, though the general Name is St. *Mary de Rotonda* (*e*). The most remarkable Difference is, that as formerly they ascended by twelve Steps; they now go down as many to the Entrance (*f*).

The Ceremony of the Consecration of Temples (a Piece of Superstition well worth our Notice) we cannot better apprehend, than by the following Account which *Tacitus* gives us of that Solemnity, in Reference to the *Capitol*, when repaired by *Vestorian*: Though perhaps the chief Rites were celebrated upon the entire raising of the Structure, this being probably interred only for the hallowing of the Floor. *Undecimo Kalendas Julias* (*g*), &c.

Upon the 21<sup>st</sup> of June, being a very clear Day, the whole Plot of Ground designed for the Temple, was bound about with Fillets and Garlands. Such of the Soldiers as had lucky Names, entered first with Boughs in their Hands, taken from those Trees which the Gods more especially delighted in. Next came the *Vestal Virgins*, with Boys and Girls, whose Fathers and Mothers were living, and sprinkled the Place with Brook-Water, River-Water, and Spring-Water. Then *Helvidius Priscus* the Praetor, (*Plautus Elian*, one of the Chief Priests, going before him) after he had performed the solemn Sacrifice of a Swine, a Sheep, and a Bullock, for the Purgation of the Floor, and laid the Entrails upon a green Turf, humbly besought *Jupiter*, *Juno*, *Minerva*, and the other Deities, Protectors of the Empire, that they would be pleased to prosper their present Undertaking, and accomplish, by their divine Assistance, what human Piety had thus begun. Having concluded his Prayer, he put his Hand to the Fillets, to which Ropes, with a great Stone fastened in them, had been tied for this Occasion; when immediately the

(*a*) *Marcell. Topogr. Rom. Antiq.* lib. 6. cap. 6. (*b*) *Ibid. & Fabric. Rom. cap. 9.*

(*c*) *Marcell. Ibid.* (*d*) *Lib. 6. cap. 8.* (*e*) *Fabric. cap. 9.* (*f*) *Ibid. cap. 9. lib. 1.*

\* whole

\* whole Company of Priests, Senators, and Knights, with  
\* the greatest Part of the common People, laying hold to-  
\* gether on the Rope with all Expressions of Joy, drew the  
\* Stone into the Trench designed for the Foundation, throw-  
\* ing in Wedges of Gold, Silver, and other Metals, which  
\* had never endured the Fire.'

Some curious Persons have observed this Similitude between the Shape of these old Temples and our modern Churches: That they had one Apartment more holy than the rest, which they termed *Cella*, answering to our Chancel or Choir: That the Porticoes in the Sides were in all Respects like to our Isles; and that our *Navis*, or Body of the Church, is an Imitation of their *Basilica* (*a*).

There are two other Temples particularly worth our Notice; not so much for the Magnificence of the Structure, as for the Customs that depend upon them, and the remarkable Use to which they were applied. These are the Temples of *Saturn* and *Janus*.

The first was famous upon Account of serving for the public Treasury: The Reason of which some fancy to have been, because *Saturn* first taught the *Indians* to coin Money; or, as *Plutarch* conjectures, because in the Golden Age, under *Saturn*, all Persons were honest and sincere, and the Names of *Fraud* and *Covetousness* unknown in the World (*b*). But perhaps it was, because this Temple was one of the strongest Places in the City, and therefore the fittest for that Use. Here were preserved all the public Registers and Records, among which were the *Libri Elephantini*, or great Ivory Tables, containing a List of all the *Tribes*, and the Schemes of the public Accounts.

The other was a square Piece of Building (some say of entire Brass) so large as to contain a Statue of *Janus* five Feet high; with brazen Gates on each Side, which used always to be kept open in a War, and shut in Time of Peace (*c*).

But the *Romans* were so continually engaged in Quarels, that we find the last Custom but seldom put in Practice.

First, all the long Reign of *Numa*. Secondly, *A. U. C.* 519. upon the Conclusion of the first *Punic* War. Thirdly, by *Augustus*, *A. U. C.* 725. and twice more by the same Emperor, *A. U. C.* 729. And again about the Time of our Saviour's Birth. Then by *Nero*, *A. U. C.* 811. Afterwards by *Vespasian*, *A. U. C.* 824. And lastly, by *Constantius*, when,

(*a*) *Pelletus*. *Hist. Roman.* *Flori*, lib. cap. 3.      (*b*) *Plutarch*. in *Problems*.  
(*c*) *Vide Marhan*. *Topog. Rom. Antiq.* lib. cap. 8.

upon the Death of *Magnentius*, he was left sole Possessor of the Empire, A.U.C. 1105 (a).

Of this Custom, *Virgil* gives us a noble Description :

*Sunt gemineæ Belli portæ, sic nomine dicunt,  
Religione sacræ, & sævi formidine Martis :  
Centum ærei claudunt vècles æternaque ferri  
Robora ; nec custos absficit limine Janus.  
Has, ubi caria sedet patribus sententia pugnæ,  
Ipse Quirinali trabeæ cinctuque Gabino  
Insignis, reserat stridentia limina Consul ;  
Ipfa vocat pugnas (b).*

Sacred to *Mars* two stately Gates appear,  
Made awful by the Dread of Arms and War :  
An hundred brazen Bolts from impious Pow'r  
And everlasting Bars the Doom secure,  
And watchful *Janus* guards his Temple's Door.  
Here, when the Fathers have ordain'd to try  
The Chance of Battle by their fix'd Decree,  
*The Consul*, rich in his *Gabinian Gown*  
And Regal Pall, leads the Procession on ;  
The sounding Hinges gravely turns about,  
Rouzes th' imprison'd God, and lets the Furies out.

Near the Temple of *Janus* was a Street which took the same Name, chiefly inhabited by Bankers and Usurers. It was very long, and divided by the different Names of *Janus Summus*, *Janus Medius*, and *Janus Imus*. The first and last of these Partitions are mentioned by *Horace*, lib. 3. Epist. 1.

— *Hæc Janus Summus ab Imo perdocet.*

The other, *Tully* speaks of in several Places of his Works (c).

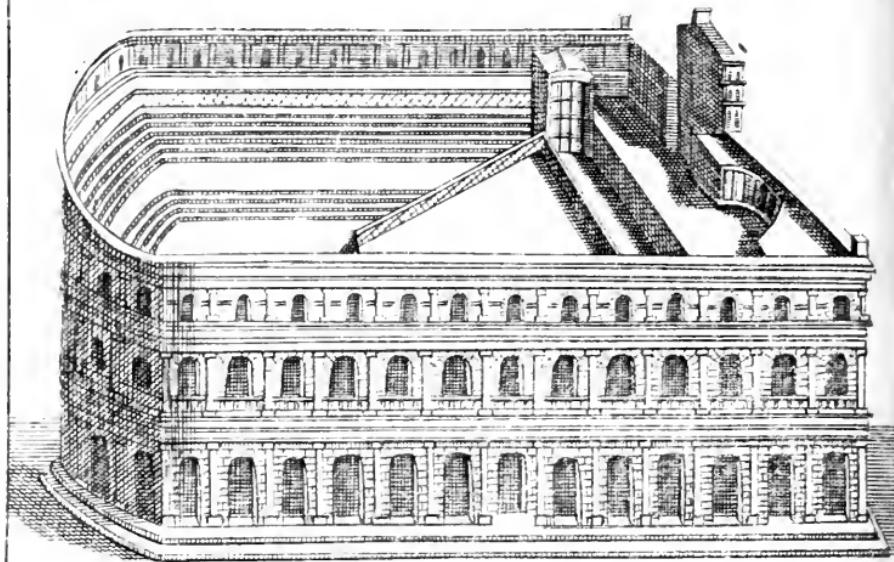
The Superstition of consecrating Groves and Woods to the Honour of the Deities was a common Practice of the Antients : For, exclusive of those mentioned in the Holy Scripture, *Pliny* assures us, That *Trees in old Time served for the Temples of the Gods*. *Tacitus* reports this Custom of the old *Germans*; *Curtius* of the *Indians*, and almost all Writers of the old *Druuids*. The *Romans* too were great Admirers

(a) *Vid. Casaubon. Not. ad Sueton. August. cap. 22.*  
(c) *Lib. 2. de Offic. Philip. 8. &c.*

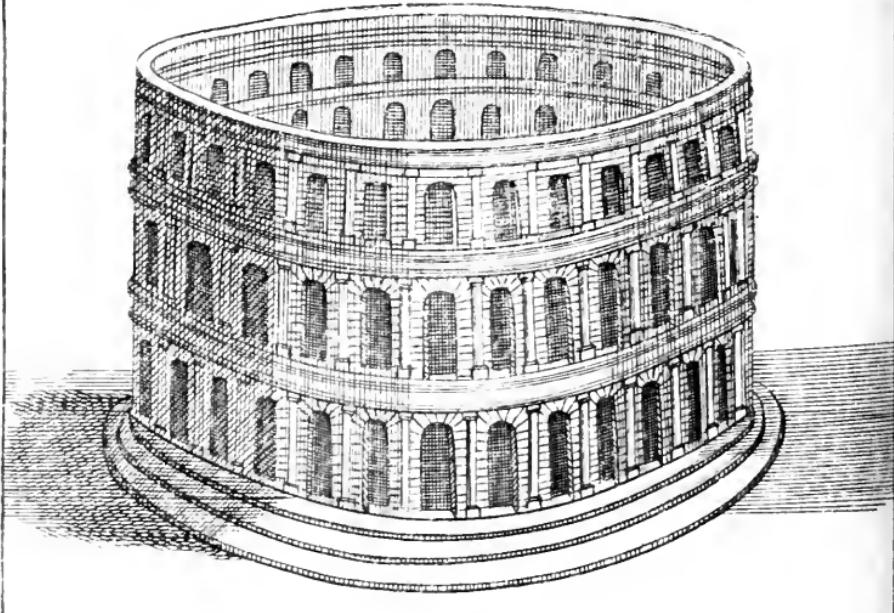
(b) *Virg. Æn. 7.*



THEATRUM CORNELLIAE TRAIANI GADITANI



AMPHITHEATRUM CLAUDI.



of this Way of Worship, and therefore had their *Luci* in most Parts of the City, generally dedicated to some particular Deity.

The most probable Reason that can be given for this Practice is taken from the common Opinion, That Fear was the main Principle of Devotion among the ignorant Heathens. And therefore such dark and lonely Seats, striking them with a sudden Horror and Dread, made them fancy, that there must necessarily be something of Divinity inhabiting there, which could produce in them such an Awe and Reverence at their Entrance.

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## C H A P. IV.

*Of the Theatres, Amphitheatres, Circi, Naumachiae, Odea, Stadia, and Xysti, and of the Campus Martius.*

**T**heatres, so called from θέασθαι, to see, owe their Origin to Bacchus (*a*). They were usual in several Parts of Greece; and at last, after the same manner as other Institutions, were borrowed from thence by the Romans: That the *Theatre* and *Amphitheatre* were two different sorts of Edifices, was never questioned; the former being built in the Shape of a Semicircle; the other generally Oval, so as to make the same Figure as if two *Theatres* should be joined together (*b*). Yet the same Place is often called by both these Names in several Authors. They seem too, to have been designed for very different Ends; the *Theatres* for Stage-Plays, the *Amphitheatres* for the greater Shows of Gladiators, wild Beasts, &c. The Parts of the *Theatre* and *Amphitheatre*, best worth our Observation, by Reason of the frequent Mention made of them in the Classics, are as follow:

*Scena* was a Partition reaching quite across the *Theatre*, being either *Versatilis*, or *Duvelis*, either to turn round, or to draw up, for the presenting a new Prospect to the Spectators, as *Servius* has observed (*c*).

*Proscenium* was the Space of Ground just before the Scenes, where the *Pulpitum* stood, into which the Actors came from behind the Scenes to perform (*d*).

(*a*) *Polydor. Virg. de Rer. invent. lib. 3, cap. 13.*

(*b*) *Bid.*

(*c*) In *Georg. 3.*

(*d*) *Rofin, lib. 5, cap. 4.*

The middle Part, or *Area*, of the *Amphitheatre*, was called *Cavea*, because it was considerably lower than the other Parts; whence perhaps the Name of *Pit* in our Theatres was borrowed: And *Arena*, because it used to be strown with Sand, to hinder the Performers from slipping. *Lipsius* has taken Notice, that the whole *Amphitheatre* was often called by both these Names (a). And the *Veronese* still call the *Theatre*, which remains almost intire in that City, the *Arena* (b).

There were a threefold Distinction of the Seats, according to the ordinary Division of the People into Senators, Equestrians, and Plebeians, the first Range was called *Orchestra*, from ορχηστής; because in that Part of the Grecian Theatres the *Dances* were performed; the second *Equeſtria*; and the other *Popularia* (c).

*Theatres*, in the first Ages of the Commonwealth, were only temporary, and composed of Wood, which sometimes tumbled down, and caused great Destruction, as *Dio* (d) and *Pliny* observe (e). Of these temporary *Theatres*, the most celebrated was that of *M. Scaurus*, mentioned by *Pliny* (f); the Scenes of which were divided into three Partitions one above another; the first consisting of 120 Pillars of Marble; the next of the like Number of Pillars curiously wrought in Glass: The Top of all had still the same Number of Pillars adorned with gilded Tables. Between the Pillars were set 3000 Statues and Images of Brasses. The *Cavea* would hold 80,000 Men. The Structure which *Curio* afterwards raised at the Funeral of his Father, though inferior to the former in Magnificence, was no less remarkable for its admirable Artifice and Contrivance. He built two spacious *Theatres* of Wood, so contrived with Hinges and other Necessaries, as to be able to turn round with very little Trouble. These he set at first back to back, for the Exhibition of the Stage Plays, and such like Diversions, to prevent the Disorder that might otherwise arise by the Confusion of the Scenes. Towards the latter End of the Day, pulling down the Scenes, and joining the two Fronts of the *Theatres*, he composed an exact *Amphitheatre*, in which he again entertained the People with a Show of Gladiators (g).

*Pompey the Great* was the first that undertook the raising of a fixed *Theatre*, which he built very nobly with square Stone; on which account, *Tacitus* (h) tells us, he was se-

(a) *Lipp.* in *Amphitheat.* (b) *Warcup's History of Italy.* (c) *Casalius de Ubi R.m. & Imp. Splendore lib. 2. cap. 5.* (d) Lib. 37. (e) Lib. 36. c. 15. (f) *Ibid.* (g) *Ibid.* (h) *Ann.* 14.

verely reprehended for introducing a Custom so different from that of their Forefathers, who were contented to see the like Performances, in Seats built only for the present Occasion, and in antient Times standing only on the Ground. To this Purpose I cannot omit an ingenious Reflection of Ovid, upon the Luxury of the Age he lived in, by comparing the honest Simplicity of the old Romans with the Vanity and Extravagance of the modern in this Particular.

*Tunc neque marmores pendebant vela Theatris,  
Nec fuerant liquidi pulpita rubra crucco.  
Ilic, quas tulerant nemoreja Palatia, frondes  
Simpliciter posite: Scena sine arte fuit.  
In gradibus sedi: populus de cespite factis,  
Quilibet birsutus fronde tegente cimis (a).*

No Pillars then of Egypt's costly Stone,  
No Purple Sails hung waving in the Sun,  
No Flowers about the scented Seats were thrown. }  
But Sylvan Bowers and shady Palaces,  
Brought by themselves, secur'd them from the Rays.  
Thus guarded and refresh'd with humble Green,  
Wond'ring they gaz'd upon the artless Scene:  
Their Seats of homely Turf the Crowd would rear,  
And cover with green Boughs their more disorder'd Hair.

Juvenal intimates, that this good old Custom remained still uncorrupted in several Parts of Italy.

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*Itsa dierum  
Festorum berboſo colitar ſi quando Theatris  
Majeftas; tandemque redit ad pulpita natum:  
Exodium, cum perſinæ pallentis blatum  
In gremio matris formidat rufitus infantis;  
Equaſes babitus illic, Jimilienque videtis  
Orcheſtram & pupillum — b.*

On Theatres of Turf, in homely State,  
Old Plays they act, old Feasts they celebrate,  
The same rude Song returns upon the Crowd,  
And by Tradition is for Wit allow'd.  
The Mimic yearly gives the same Delights,  
And in the Mother's Arms the clownish Infant frights.  
Their Habits undiſtinguih'd by Degree  
Are plain alike; the same Simplicity  
Both on the Stage and in the Pit you see. }

DRYDEN.

Some Remains of this *Theatre of Pompey* are still to be seen at *Rome*; as also of those of *Marcellus*, *Statilius Taurus*, *Tiberius*, and *Titus*, the second being almost entire (a).

The *Circi* were Places set apart for the Exhibition of several sorts of Games, which we will speak of hereafter. They were generally oblong, or almost in the Shape of a Bow (b), having a Wall quite round (c), with Ranges of Seats for the Convenience of the Spectators. At the Entrance of the *Circus* stood the *Carceres*, or Lists, whence they started; and just by them one of the *Metæ*, or Marks; the other standing at the farther End to conclude the Race.

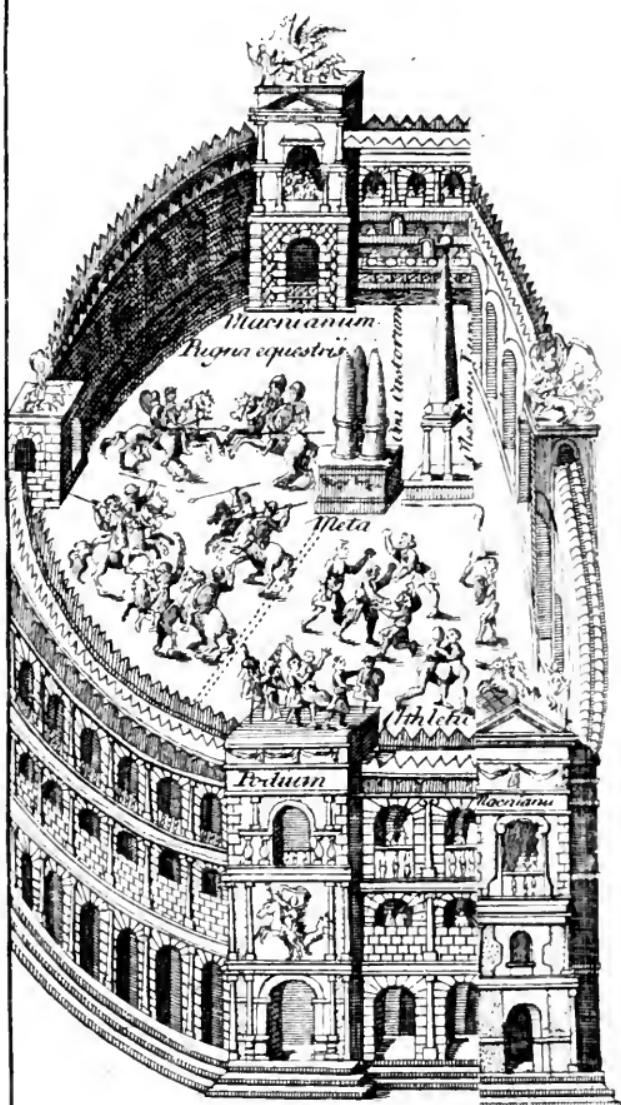
There were several of these *Circi* in *Rome*; as those of *Flaminus*, *Nero*, *Caracalla*, and *Severus*: But the most remarkable, as the very Name imports, was *Circus Maximus*, first built by *Tarquinius Priscus* (d). The Length of it was four *Stadia*, or Furlongs; the Breadth the like Number of Acres; with a Trench of ten Feet deep, and as many broad to receive the Water; and Seats enough for a hundred and fifty thousand Men (e). It was greatly beautified and adorned by *Julius Cæsar*, *Augustus*, *Caligula*, *Domitian*, *Trajan*, and *Heliogabalus*; and enlarged to such a prodigious Extent, as to be able to contain, in their proper Seats, two hundred and sixty thousand Spectators (f).

The *Naumachiae*, or Places for the Shows of Sea-Engagements, are no where particularly described; but we may suppose them to be very little different from the *Circi* and *Ampitheatres*, since those sort of Shows for which they were designed were often exhibited in the forementioned Places (g).

*Odeum* was a public Edifice, much after the Manner of a *Theatre* (h), where the Musicians and Actors privately practised or rehearsed before their Appearance on the Stage (i). *Plutarch* has described one of their *Odeums* at *Athens* (from whence the *Romans* took the Hint of theirs) in the following Words: *For the Contrivance of it, on the Inside it was full of Seats and Ranges of Pillars; and on the Outside, the Roof or Covering of it was made from one Point at Top, with a great many Bendings, all sickling downward, in Imitation of the King of Persia's Pavilion* (k).

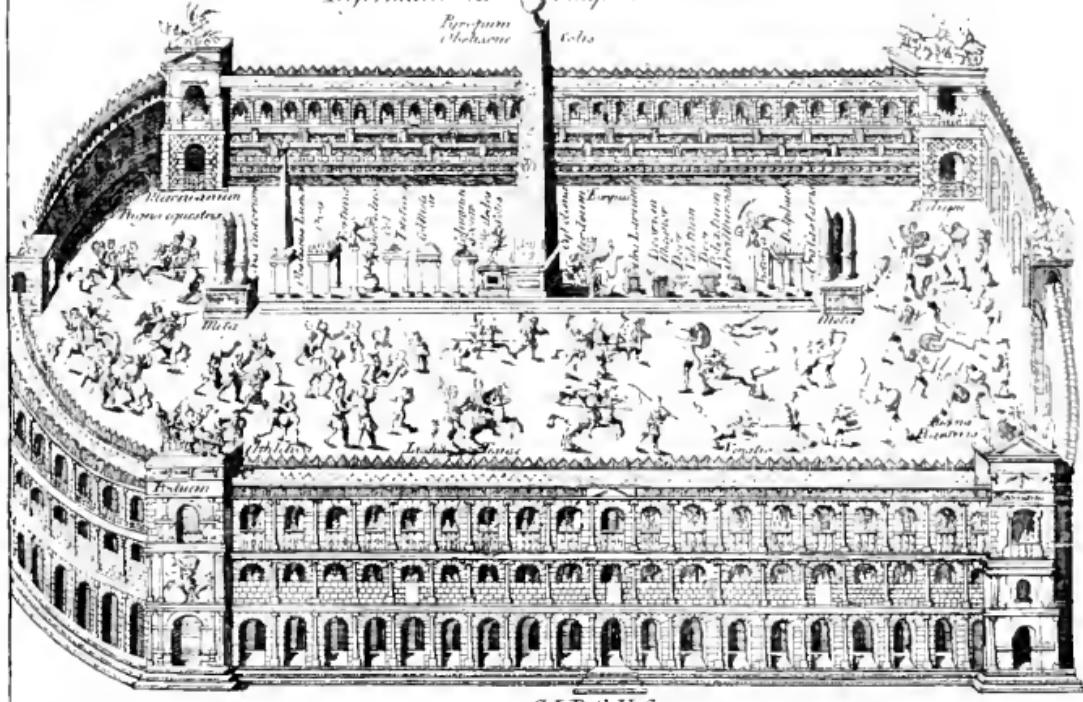
The *Stadia* were Places in the Form of *Circi* for the running of Men and Horses (l). A very noble one *Suetonius* (m) tells us, was built by *Domitian*.

(a) *Fabri. R. m.* cap. 12. (b) *Marlian. Topog. Rom. Ant. lib. 4.* cap. 10. (c) *Festydri. Virg. de Rer. Invent. lib. 2.* cap. 14. (d) *Liv. & Dionysj. Halic.* (e) *Dionysj. lib. 3.* (f) *Vln. lib. 36.* (g) *Marlian. Topog. Rom. Ant. lib. 4.* cap. 13. (h) *Fabri. R. m.* cap. 12. (i) *Egin. lib. 5.* cap. 4. (k) In *Pericle.* (l) *Fabri. R. m.* cap. 12. (m) In *Domitian.*

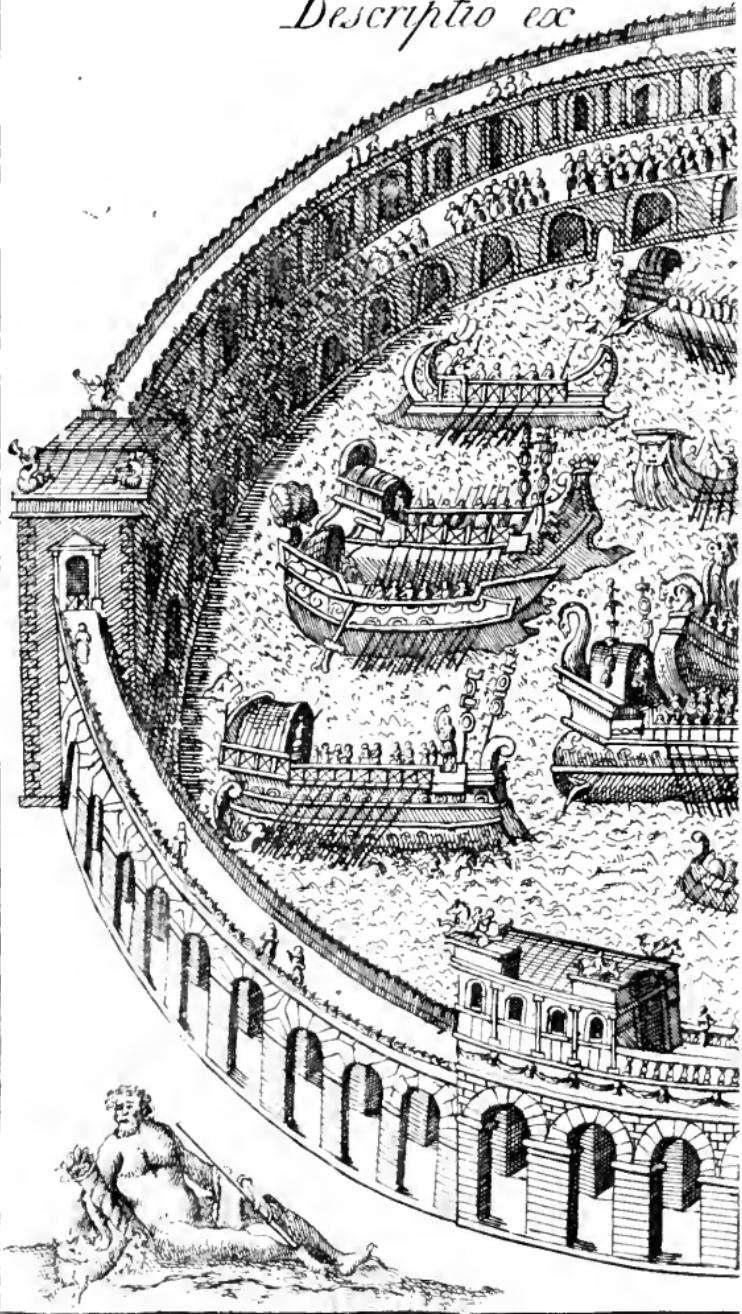


*CIRCI ET QIVZ QIE LUDICRORUM CIRCEVSITVM  
Infirmatio ex Q. Onuphrio Romano*

27



*NAUMACHIAE ID E.  
Descriptio ex*



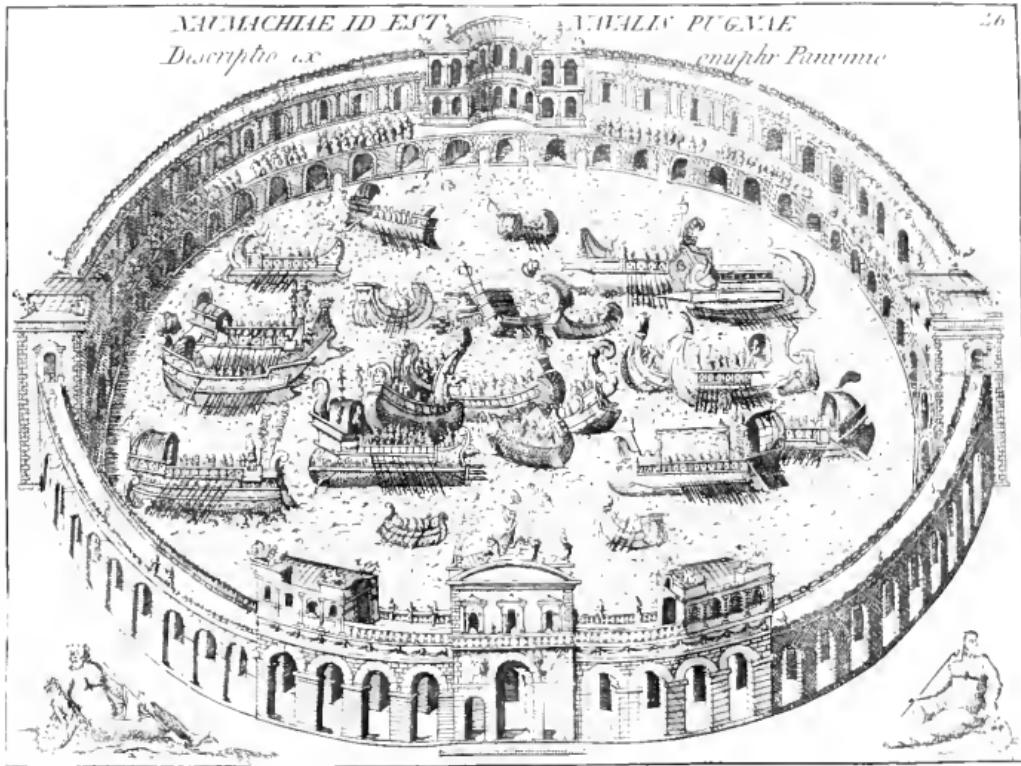
NALMACHAE ID EST

Descriptio ex

NAVALIS PUGNAC

enyphr Panume

26



The *Xysti* were Places built after the Fashion of the Porticoes for the Wrestlers to exercise in (a).

The *Campus Martius*, famous on so many Accounts, was a large plain Field, lying near the *Tiber*, whence we find it sometimes called *Tiberinus*. It was termed *Martius*, because it had been consecrated by the old *Romans* to the God *Mars*.

Besides the pleasant Situation, and other natural Ornaments, the continual Sports and Exercises performed here made it one of the most diverting Sights near the City. For,

Here the young Noblemen practised all Manner of Feats of Activity; learned the Use of all Sorts of Arms and Weapons. Here the Races, either with Chariots, or single Horses, were undertaken. Besides this, it was nobly adorned with the Statues of famous Men, and with Arches, Columns, and Porticoes, and other magnificent Structures. Here stood the *Villa Publica*, or Palace for the Reception and Entertainment of Ambassadors from Foreign States, who were not allowed to enter the City. Several of the public *Comitia* were held in this Field; and for that Purpose were the *Septa*, or *Ovilia*, Apartments enclosed with Rails, where the *Tribes*, or *Centuries*, went in one by one to give their Votes. *Cicero*, in one of his Epistles to *Atticus*, intimates a noble Design he had to make the *Septa* of Marble, and to cover them with a high Roof, with the Addition of a stately *Portico*, or *Piazza*, all round. But as we hear no more of this Project, we may therefore reasonably suppose, he was disappointed by the Civil Wars which broke out soon after.

## C H A P. V.

*Of the Curiae, Senacula, Basilicæ, Fora, and Comitium.*

THE Roman *Curia* (as it signifies a public Edifice) was of two sorts, Divine and Civil: In the former, the Priests and Religious Orders met for the Regulation of the Rites and Ceremonies belonging to the Worship of the Gods: In the other, the Senate used to assemble, to consult about the public Concerns of the Commonwealth (b). The Senate could not meet in such a *Curia*, unless it had been so-

(a) *Fabric. Rom.* cap. 12.

(b) *Alex. ab Alex.* 1. cap. 16.

lēmly

Iminely consecrated by the *Augurs* (a), and made of the same Nature as a Temple. Sometimes (at least,) the *Curiæ* were no distinct Building, but only a Room or Hall in some public Place; as particularly *Livy* (b) and *Pliny* (c) speak of a *Curia* in the *Comitium*; though that was no entire Structure. The most celebrated *Curiæ* were:

*Curia Hostilia*, built by *Tullus Hostilius*, as *Livy* (d) informs us: And,

*Curia Pompeii*, where the Senate assembled for the effecting of the Death of *Julius Cæsar* (e).

*Senaculum* is sometimes the same as *Curia* (f): Probably, it was no other than a Meeting-place for the Senate, the same as the Grecians called *Σενάτον*. *Sext. Pomp. Festus* (g) tells us of three *Senacula*; two within the City-Walls for ordinary Consultations; and one without the Limits of the City, where the Senate assembled to give Audience to those Ambassadors of Foreign States, whom they were unwilling to honour with an Admission into the City.

*Lampridius* (h) informs us, that the Emperor *Heliogabalius* built a *Senaculum* purposely for the Use of the Women, where, upon high Days, a Council of grave Matrons were to keep Court.

The *Basilicæ* were very spacious and beautiful Edifices, designed chiefly for the *Centumviri*, or Judges, to sit and hear Causes, and for the Counsellors to receive Clients. The Bankers too had one Part of it allotted for their Residence (i). *Vossius* (k) has observed, that these *Basilicæ* were exactly in the Shape of our Churches, oblong almost like a Ship; which was the Reason that, upon the Ruin of many of them, Christian Churches were several Times raised on the old Foundations: And very often a whole *Basilica* was converted to such a pious Use. And hence perhaps all our great Domes or Cathedrals, are still called *Basilicæ*.

The *Roman Forums* were public Buildings, about three Times as long as they were broad. All the Compas of the Forum was surrounded with arched Porticoes, only some Passages being left for Places of Entrance. They generally contrived to have the most stately Edifices all round them, as *Temples*, *Theatres*, *Basilicæ*, &c. (l).

(a) *A. Gell.* lib. 14. c. 7. (b) *Lib.* 1. (c) *Lib.* — (d) *Lib.* 1. (e) *Sueton.* in *Jul. Cæs.* c. 80. (f) *Marlian. Topog. Ant. Rom.* lib. 3. c. 27. (g) In *voco Senaculum.* (h) In *vite Heliogab.* (i) *Resin. Ant.* lib. 9. c. 7. (k) In *voco Basiliaca.* (l) *Lipſ. de Mag. Rom.*

They were of two Sorts; *Fora Civilia*, and *Fora Venalia*: The first were designed for the Ornament of the City, and for the Use of public Courts of Justice; the others were intended for no other End but the Necessities and Conveniences of the Inhabitants, and were, no doubt, equivalent to our Markets. I believe *Lipſius*, in the Description that has been given above, means only the former. Of these there were five very considerable in *Rome*.

*Forum Romanum*, built by *Romulus*, and adorned with Porticoes on all Sides by *Tarquinius Priscus*. It was called *Forum Romanum*, or simply *Forum*, by way of Eminence, on Account of its Antiquity, and of the most frequent Use of it in public Affairs. *Martial* (a) and *Statius* (b), for the same Reason, give it the Name of *Forum Latinum*: *Ovid* the same (c), and of *Forum Magnum* (d); and *Herodian* (e) calls it τὸν αρχαῖον αὐτοῦ; *Forum vetus*.

*Statius* the Poet (f) has given an accurate Description of the *Forum*, in his Poem upon the Statue of *Domitian* on Horseback, set up here by that Emperor.

*Forum Julium*, built by *Julius Cæsar*, with the Spoils taken in the *Gallic War*. The *Area* only, *Suetonius* (g) tells us, cost 100,000 Sesterces; and *Dio* (h) affirms it to have much exceeded the *Forum Romanum*.

*Forum Augusti*, built by *Augustus Cæsar*, and reckoned by *Pliny* among the Wonders of the City. The most remarkable Curiosity was the Statues in the two *Porticoes*, on each Side of the main Building. In one, were all the *Latin Kings*, beginning with *Aeneas*; in the other, all the Kings of *Rome*, beginning with *Romulus*, and most of the eminent Persons in the Commonwealth, and *Augustus* himself among the rest; with an Inscription upon the Pedestal of every Statue, expressing the chief Actions and Exploits of the Person it represented (i).

This *Forum*, as *Spartian* (k) informs us, was restored by the Emperor *Hadrian*.

*Forum Nervæ*, begun by *Domitian*, as *Suetonius* (l) relates; but finished and named by the Emperor *Nerva*. In this *Forum* *Alexander Severus* set up the Statues of all the Emperors that had been canonized (m), in Imitation of the Contrivance of *Augustus*, before mentioned. This *Forum* was called *Transitorium*, because it lay very convenient for a Passage

(a) *Epiq.* lib. 2. (b) *Sylvar.* lib. 1. cap. 1. (c) *F. 3.* (d) *F. 3.* (e) *In vit. M. Antonin.* (f) *Syl.* lib. 1. cap. 1. (g) *In ful. Cæs.* cap. 26. (h) *Dio* lib. 43. (i) *Lipſ. de Magnitud. R. m.* (k) *In vit. Hadrian.* (l) *In Domit.* cap. 5. (m) *Spartian in Severo.*

to the other three; and *Palladium*, from the Statue of *Misnerva*, the tutelar Deity of *Augustus* (a); upon which Account, perhaps, *Fabricius* (b) attributes the Name of *Palladium* to the *Forum* of that Emperor.

There is scarce any thing remaining of this *Forum*, except an old decayed Arch, which the People by a strange Corruption, instead of *Nerva's* Arch, call *Noab's* Ark (c).

But the most celebrated for its admirable Structure and Contrivance was the *Forum Trajani*, built by the Emperor *Trajan*, with the foreign Spoils he had taken in the Wars. The Covering of this Edifice was all Brass, the *Porticoes* exceedingly beautiful and magnificent, with Pillars of more than ordinary Height, and Chapiters of extraordinary Bigness (d).

*Ammianus Marcellinus*, in the Description of the triumphal Entrance of *Constantius* into *Rome*, when he has brought him, with great Admiration, by the Baths, the *Pantheon*, the *Capitol*, and other noble Structures, as soon as ever he gives him a Sight of this *Forum of Trajan*, he is put into an Extasy, and cannot forbear making an Harangue upon its Beauty (e). We meet in the same Place with a smart Repartee, which *Constantius* received at this Time from *Ormisdas*, a Persian Prince. The Emperor, as he admired every Thing belonging to this noble Pile, so he had a particular Fancy for the Statue of *Trajan's* Horse, which stood on the Top of the Building, and expressed his Desire of doing as much for his own Beast: *Pray, Sir, says the Prince, before you talk of getting such a Horse, will you be pleased to build such a Stable to put him in* (f)?

The Chief for *Venalia*, or, Markets, were,  
*Boarium*, for Oxen and Beef.

*Propertius* (g) speaking of this *Forum*, imagines it took its Name from the Oxen of *Hercules* which he brought from *Spain*, and rescued them here, after they had been stolen by *Cacus*.

*Suarium*, for Swine.

*Pistorium*, for Bread.

*Cupendarium*, for Dainties.

*Holitzrium*, for Roots, Sallads, &c.

The *Comitia* was only a Part of the *Forum Romanum*, which served sometimes for the Celebration of the *Comitia*, which will be described hereafter.

(a) *Lift in Magis Roma.* (b) *Roma*, cap. 7. (c) *Marlian*, lib. 3. cap. 14.  
(d) *Idem* lib. cap. 13. (e) *Ammian. Marcellin. Hist.* lib. 16. (f) *Ibid.* (g) *Iib. 4. Litig. 10. ver. 20*

In this Part of the *Forum* stood the *Rostrum*, being a *Sug-  
gestum*, or Sort of Pulpit, adorned with the Beaks of Ships  
taken in a Sea-Fight from the Inhabitants of *Antium* in *Ita-  
ly*, as *Livy* (a) informs us. In this the Causes were plead-  
ed, the Orations made, and the Funeral Panegyrics spoke by  
Persons at the Death of their Relations; which pious Action  
they termed *Defuncti pro rostris laudatio*.

Near it was fixed the *Puteal*, of which we have several  
and very different Accounts from the Critics; but none  
more probable than the Opinion of the ingenious Monsieur  
*Dacier* (b), which he delivers to this Purpose.

"The Romans, whenever a Thunderbolt fell upon a Place  
without a Roof, took care, out of Superstition, to have  
a Sort of Cover built over it, which they properly called  
*Puteal*. This had the Name of *Puteal Libnis* and *Scribo-  
nium Puteal*, because *Scribonius Libo* erected it by Order  
of the Senate. The *Prætor's* Tribunal, standing just by,  
is often signified in Authors by the same Expression."

(a) Lib. 8. (b) *Dacier*, Notes on *Hirace*, Sat. lib. 2. Sat. 6. verse 35.

## C H A P. VI.

### *Of the Porticos, Arches, Columns, and Trophies.*

**I**N Accounts of the eminent Buildings of the City, the *PORTICOS* have ever had an honourable Place. They were Structures of curious Work and extraordinary Beauty, annexed to public Edifices, Sacred and Civil, and as well for Ornament as Use. They generally took their Names either from the Temples that they stood near, as *Porticus Concordiæ*, *Quirini*, *Herculis*, &c. or from the Authors, as *Porticus Pompeia*, *Oætavia*, *Livia*, &c. or from the Nature and Form of the Building, as *Porticus curva*, *flediata*, *porphyre-  
tica*; or from the Shops that were kept in them, as *Bazar-  
ritaria*, and *Argentaria*; or from the remarkable Paintings  
as them, as *Porticus Iulæ*, *Europæ*, &c. or else from the  
Places to which they joined, as *Porticus amphitheatri*, *Pr-  
ticus Circi*, &c. (a).

The *Porticos* were sometimes put to very serious Use,  
serving for the Assemblies of the Senate on several Accounts.  
Sometimes the Jewellers, and such as dealt in the most pre-  
cious Wares, took up here their Standing, to expose their

(a) *Fabriæ Rura*, cap. 13.

Goods to Sale : But the general Use that they were put to was the Pleasure of walking or riding in them ; in the Shade in Summer, and in Winter in the dry ; like the present Piazza's in Italy. *Velleius Paterculus* (a), when he deplores the extreme Corruption of Manners that had crept into Rome, upon the otherwise happy Conclusion of the *Carthaginian War*, mentions particularly the Vanity of the Noblemen, in endeavouring to outshine one another in the Magnificence of their *Porticos*, as a great Instance of their extravagant Luxury.

And *Juvenal* in his seventh Satyr complains :

*Bulica sexcentis, & pluris Porticus, in qua  
Gesletur Dominus quoties pluit : anne serenum  
Expectet, spargatne tuto jumenta recenti ?  
Hic potius namque hic mundæ nitet ungula mulæ.*

On sumptuous Baths the Rich their Wealth bestow,  
Or some expensive airy Portico ;  
Where safe from Showers they may be borne in State ;  
And, free from Tempests, for fair Weather wait ;  
Or rather not expect the clearing Sun,  
Through thick and thin their Equipage must run :  
Or staying, 'tis not for their Servants Sake,  
But that their Mules no Prejudice may take.

DRYDEN.

ARCHES were public Buildings, designed for the Reward and Encouragement of noble Enterprizes, generally erected to the Honour of such eminent Persons as had either won a Victory of extraordinary Consequence Abroad, or had relieved the Commonwealth at Home from any considerable Danger. At first they were plain and rude Structures, by no means remarkable for Beauty or State. But in latter Times no Expences were thought too great for the rendering of them in the highest Manner splendid and magnificent : Nothing being more usual, than to have the greatest Actions of the Heroes they stood to honour, curiously expressed, or the whole Procession of the Triumph cut out on the Sides. The Arches built by *Romulus* were only of Brick ; that of *Cimillus* of plain square Stone ; but those of *Cæsar*, *Drusus*, *Titus*, *Trajan*, *Gordian*, &c. were entirely Marble (b).

As to their Figure, they were at first Semicircular, whence probably they took their Names. Afterwards they were built

(a) Lib. 2, cap. 1.

(b) *Fabricii Roma*, cap. 14.

Four-square, with a spacious arched Gate in the Middle, and little ones on each Side. Upon the vaulted Part of the Middle-Gate, hung little winged Images, representing Victory, with Crowns in their Hands, which, when they were let down, they put upon the Conqueror's Head as he passed under in Triumph (a).

The COLUMNS or Pillars were far from the meanest Beauties of the City. They were at last converted to the same Design as the Arches, for the honourable Memorial of some noble Victory or Exploit, after they had been a long Time in Use for the chief Ornaments of the Sepulchres of great Men; as may be gathered from *Homer, Iliad 16.* where *Juno*, when foretelling the Death of *Sarpedon*, and speaking of carrying him into his own Country to be buried, has these Words;

*\*Ενθα ἐταρχύσατο καστίγνιοι τε, ἔται τε,  
τύμβω τε στηλὴ τε, τὸ γὰρ γέρας ἐτι Σαρπεδόν.*

There shall his Brothers and sad Friends receive  
The breathless Corpse, and bear it to the Grave.  
A Pillar shall be rear'd, a Tomb be laid,  
The noblest Honour Earth can give the Dead.

The Pillars of the Emperors *Trajan* and *Antoninus* having been extremely admired for their Beauty and curious Work, deserve a particular Description.

The former was set up in the Middle of *Trajan's Forum*, being composed of 24 great Stones of Marble, but so curiously cemented as to seem one intire natural Stone. The Height was 144 Feet, according to *Eutropius* (b); though *Marlian* (c) seems to make it but 128: Yet they are easily reconciled, if we suppose one of them to have begun the Measure from the Pillar itself, and the other from the Basis. It is ascended on the Inside by 185 winding Stairs, and has 40 little Windows for the Admission of the Light. The whole Pillar is incrusted with Marble; in which are expressed all the noble Actions of the Emperor, and particularly in the *Dacian War*. One may see all over it the several Figures of Forts, Bulwarks, Bridges, Ships, &c. and all Manner of Arms, as Shields, Helmets, Targets, Swords, Spears, Daggers, Belts, &c. together with the several Offices and Employments of the Soldiers; some digging Trenches, some measuring out a Place for the Tents, and others making a Triumphal Procession (d). But the noblest Ornament of

(a) *Fabrii Roma*, cap. 15. (b) *Ijt.* lib. 8. (c) Lib. 3 cap. 13.  
(d) *Fabrius*, c. 7.

this Pillar was the Statue of *Trajan* on the Top, of a gigantic Bigness; being no less than twenty Feet high. He was represented in a Coat of Armour proper to the General, holding in his Left-Hand a Sceptre, in his Right a hollow Globe of Gold, in which his own Ashes were reposed after his Death (a).

The Column of *Antoninus* was raised in Imitation of this, which is exceeded only in one Respect, that it was 176 Feet high (b): For the Work was much inferior to the former, as being undertaken in the declining Age of the Empire. The Ascent on the Inside was by 106 Stairs, and the Windows in the Sides were 56. The Sculpture, and the other Ornaments, were of the same Nature as those of the first: And on the Top stood a *Colossus* of the Emperor naked, as appear from some of his Coins (c).

Both these Columns are still standing at *Rome*; the former most intire. But Pope *Sixtus* the first, instead of the two Statues of the Emperors, set up St. *Peter's* on the Column of *Trajan*, and St. *Paul's* on that of *Antoninus* (d).

Among the Columns we must not pass by the *Miliarum curcum*, a gilded Pillar in the *Forum*, erected by *Augustus Caesar*, at which all the Highways of *Italy* met, and were concluded (e). From this they counted their Miles, at the End of every Mile setting up a Stone; whence came the Phrase of *Primus ab Urbe Lapis*, and the like. The Pillar, as Mr. *Laffels* informs us, is still to be seen.

Nor must we forget the *Columna Bellica*, thus described by *Ovid*.

*Proposit à tergo summum brevis area Circum,  
Est ibi non parvæ parva columna notæ:  
Hinc selet hastæ manu, belli prænuncia, mitti  
In regem & gentem, cùm placet arma capi (f).*

Behind the *Circus* on the level Ground  
Stands a small Pillar, for its Use renown'd:  
Hence 'tis our Herald throws the fatal Spear,  
Denotes the Quarrel, and begins the War.

But these who admire Antiquity, will think all these inferior to the *Columna Rostrata*, erected to the Honour of *C. Duilius*, when he had gained so famous a Victory over the *Carthaginian* and *Sicilian* Fleets, *A. U. C. 493*, and adorned

(a) *Catalius Par.* 1. c. 11. (b) *Marhan.* l. 6. c. 13. (c) *Id.* (d) *Caſſi Par.* 1. c. 11. (e) *Marlian.* l. 3. c. 18. (f) *Ovid. Faſt.* 6.

with

with the Beaks of the Vessels taken in the Engagement. This is still to be seen in *Rome*, and never fails of a Visit from any curious Stranger. The Inscription on the Basis is a noble Example of the old Way of Writing, in the early Times of the Commonwealth. Besides this antient and most celebrated one, there were several other *Columnæ rostratae* erected on like Occasions; as particularly four by *Augustus Caesar*, after the Defeat of *Anthony* at *Aetium*: To these *Virgil* alludes;

*Addam & navali surgentes arc columnas (a).*

The Design of the Trophies is too well known to need any Explication: the Shape of them cannot be better understood, than by the following Description of the Poet.

*Ingentum quercum decisum undique ramis  
Constituit tumulo, fulgentiaque induit arma;  
Mezentii ducis exuvias; tibi magne trophicum.  
Bellipotens: aptat rorantes sanguine cristas,  
Tclaque trunca viri, & bis sex thoraca petitum  
Perfussumque locis: clypeumque ex aere sinistræ  
Subligat, atque ensim collo suspendit eburnum (b).*

And first he lopp'd an Oak's great Branches round;  
The Trunk he fallen'd in a rising Ground:  
And here he fix'd the shining Armour on,  
The mighty Spoil from proud *Mezentius* won:  
Above the Crest was plac'd, that dropt with Blood,  
A grateful Trophy to the warlike God;  
His shatter'd Spears stuck round: The Croslet too,  
Pierc'd in twelve Places, hung deform below:  
While the left Side his massy Target bears,  
The Neck the glittering Blade he brandish'd in the Wars.

Of those Trophies which *Marius* rais'd after the *Cimbrian* War, still remaining at *Rome*, we have this Account in *Fabri-  
cius*: They are two Trunks of Marble being round with Spouts: One of them is covered with a scaly Croslet, with Shields and other military Ornaments: Just before it, is set a young Man in the Posture of a Captive with his Hands tied behid him, and all around are winged Images of Victory. The other is set out with the common military Garb, having a Shield of an unequal Round, and two Helmets, one open and adorned with Crests, the other close without Crests. On the same Trophy is the Shape of a Soldier's Coat, with several other Designs, which, by Reason of the Decay of the Marble, are very difficult to be dis-  
covered (c).

(a) *Guerz. 2.*

(b) *Virg. Aeneid. 11.*

(c) *Fabri-  
cius, cap. 12.*

## C H A P. VII.

## Of the Bagnios, Aquæducts, Cloacæ, and Public Ways.

**T**HREE cannot be a greater Instance of the Magnificence or Luxury of the *Romans*, than their noble *Bagnios*. *Ammianus Marcellinus* observes (a), that they were built in modum *Provinciarum*, large as Provinces: But *Valeſſus* (b) judges the Word *Provinciarum* to be a Corruption of *Piscinarum*. And though this Emendation in some Measure extenuates one Part of the Vanity, which has been so often alledged against them, from the Authority of that Passage of the Historian; yet the prodigious Accounts that we have of their Ornaments and Furniture will bring them, perhaps, under a Censure no more favourable than the former. *Seneca*, speaking of the Luxury of his Country-men in this Respect, complains, That they were arrived to such a Pitch of Niceness and Delicacy as to scorn to set their Feet on any Thing but precious Stones (c). And *Pliny* wishes good old *Fabricius* were alive, to see the Degeneracy of his Posterity, when the very Women must have their Seats in the Baths of solid Silver (d). But a Description from a Poet, may, perhaps, be more diverting; and this *Statius* has obliged us with, in his Poem upon the Baths of *Claudius Etruscus*, Steward to the Emperor *Claudius*.

Nil ibi plebeium: nusquam Temſea videbis  
Æra, ſed argento felix propellitur unda,  
Argentoque cadit, labrisque nitentibus inflat,  
Delicias mirata ſuas, & abire recufat.

Nothing there's vulgar: Not the faireſt Brass  
In all the glittering Structure claims a Place.  
From Silver-Pipes the happy Waters flow;  
In Silver Cifterns are receiv'd below.

(a) *Ammian. Marcell.* lib. 16.  
(d) Lib. 13, cap. 12.

(b) *Nota ad locum.*

(c) *Epiſt. 85.*

See where with noble Pride the doubtful Stream  
Stands fix'd in Wonder on the shining Brim ;  
Surveys its Riches, and admires its State ;  
Loth to be ravish'd from the glorious Seat !

The most remarkable Bagnios were those of the Emperors *Dioclesian* and *Antoninus Caracalla*; great Part of which are standing at this Time, and with the vast high Arches, the beautiful and stately Pillars, the extraordinary Plenty of foreign Marble, the curious Vaulting of the Roofs, the prodigious Number of spacious Apartments, and a thousand other Ornaments and Conveniences, are as pleasing a Sight to a Traveller, as any other Antiquities in *Rome*.

To these may be added the *Nymphæa*; a Kind of Grottos sacred to the Nymphs, from whose Statues which adorned them, or from the Waters and Fountains which they afforded, their Name is evidently derived. A short Essay of the famous *Lucas Holstenius* on the old Picture of a *Nymphæum* dug up at the Foundation of the Palace of the *Borgherini*, is to be met with in the fourth Tome of *Grævius's Thesaurus*, p. 1800.

The *Aquæducts*, were, without Question, some of the noblest Designs of the old *Romans*. *Sextus Julius Frontinus*, a Roman Author, and a Person of Consular Dignity, who has compiled a whole Treatise on this Subject, affirms them to be the clearest Token of the Grandeur of the Empire. The first Invention of them is attributed to *Appius Claudius*, *A.U.C. 441*, who brought Water into the City by a Channel of eleven Miles in length. But this was very inconsiderable to those that were afterwards carried on by the Emperors and other Persons; several of which were cut through the Mountains, and all other Impediments, for above forty Miles together; and of such an Height, that a Man on Horseback, as *Procopius* informs us, might ride through them without the least Difficulty (*a*). But this is meant only of the constant Course of the Channel; for the Vaults and Arches were in some Places 109 Feet high (*b*). *Procopius* (*c*) makes the *Aquæducts* but fourteen: *Victor* (*d*) has enlarged the Number to twenty: In the Names of them the Waters only were mentioned; as *Aqua Claudia*, *Aqua Appia*, &c.

The noble Poet *Rutilius* thus touches on the *Aquæducts*, in his ingenious Itinerary :

(*a*) *Procopius de Bell. Goth.* lib. 1.      (*b*) *Sext. Jul. Frontin.*      (*c*) *De Bell. Goth.* lib. 1.      (*d*) *Descript. Urb. Region.*

*Quid lsquare aeris pendentes fornice rivos,  
Qua vix imbriferas tolleret Iris aquas?  
Hos potius dicas creuisse in sidera montes,  
Tale Gigantum Græcia laudat opus (a).*

What should I sing how lofty Waters flow  
From airy Vaults, and leave the Rain below,  
While conquer'd Iris yields with her unequal Bow ? }  
Bold Typhon here had spar'd his Strength and Skill,  
And reach'd Jove's Wall from any single Hill.

But that which *Pliny* calls *Opus omnium maximum*, were the *Cloacæ*, or common Gutters for the Conveyance of Dirt and F lth. And because no Authority can be better than his, we may venture to borrow the whole Account of them from the same Place, *Cloacæ opus omnium maximum*, &c.

' The *Cloacæ*, the greatest of all the Works, he contrived by undermining and cutting through the seven Hills upon which *Rome* is seated, making the City hang, as it were, between Heaven and Earth, and capable of being failed under. *M. Agrippa*, in his Edileship, made no less than seven Streams meet together under Ground in one main Channel, with such a rapid Current, as to carry all before them that they met with in their Passage. Sometimes, when they are violently swelled with immoderate Rains, they beat with excessive Fury against the Paving at the Bottom, and on the Sides. Sometimes in a Flood, the *Tiber* Waters oppose them in their Course; and then the two Streams encounter with all the Fury imaginable; and yet the Works preserve their old Strength, without any sensible Damage. Sometimes huge Picces of Stone and Timber, or such like Materials, are carried down the Channel; and yet the Fabric receives no Detriment. Sometimes the Ruins of whole Buildings destroyed by Fire, or other Casualties, press heavily upon the Frame. Sometimes terrible Earthquakes shake the very Foundations; and yet they still continue impregnable almost 800 Years since they were first laid by *Tarquinius* (b).'

Very little inferior to the Works already mentioned were the public Ways, built with extraordinary Charge, at a great Distance from the City on all Sides. They were generally paved with Flint; tho' sometimes, and especially without the City,

(a) *Rutil. Itinerar.* lib. 1.

(b) *Plin.* lib. 36. cap. 16.

with Pebbles and Gravel. The most noble, in all Respects, was the *Via Appia*, taking its Name from the Author *Appius*, the same that invented the *Cloacæ*. This was carried to such a vast Length, that *Procopius* (a) reckons it five Days Journey to reach the End: And *Lipsius* (b) computes it at 350 Miles. An Account of as much of this Way as lies between *Rome* and *Naples*, Bishop *Burnet* has obliged us with in his Letters (c): He tells us, it is twelve Feet broad; all made of huge Stones, most of them blue; and they are generally a Foot and a half large on all Sides. And presently after, admiring the extraordinary Strength of the Work, he says, that though it has lasted above 1800 Years, yet in most Places, it is for several Miles (d) together as intire as when it was first made. And as to the *Via Flaminia*, the next Causey of Note, the same Author observes, that though it be not indeed so intire as the former, yet there is enough left to raise a just Idea of the *Roman Greatnes*.

I shall conclude this Subject with the ingenious Epigram of *Janus Vitalis*, an Italian Poet.

*Quid Romam in media quæris novus advena Roma,  
Et Romæ in Roma nil reperis media?  
Aspice murorum moles, præeruptaque saxa,  
Obrurtaque horrenti vasta Thætra situ:  
Hæc sunt Roma: Viden' velut ipsa cadavera tantæ  
Urbis albuc spirent imperijsa minas?  
Vicit et hæc mundum, nisi est se vincere: vicit,  
A se non victum ne quid in orbe forct.  
Hinc victa in Roma victrix Roma illa sepulta est,  
Atque eadem victrix victaque Roma fuit.  
Albuła Romani restat nunc nominis index,  
Qui quoque nunc rapidis fertur in æquor aquis.  
Disce hinc quid possit fortuna; immota labascunt,  
Et quæ perpetuo sunt agitata manent.*

To seek for *Rome*, vain Stranger, art thou come  
And find'st no Mark, within *Rome*'s Walls, of *Rome*?  
See here the craggy Walls, the Towers defac'd,  
And Piles that frighten more than once they pleas'd:  
See the vast Theatres, a shapeless Load,  
And Sights more Tragic than they ever shew'd:

(a) *De Bell. Gotth.* lib. 1. (b) *De Magistr. R.m.* (c) Letter 4th. (d) *B.i.J.*  
This

This, this is *Rome*: Her haughty Carcass spread  
Still awes in Ruin, and commands when dead.  
The Subject World first took from her their Fate;  
And when she only stoo'd unconquer'd yet,  
Herself she last subdu'd, to make the Work compleat. }  
But ah! so dear the fatal Triumph cost,  
That conqu'ring *Rome* is in the conquer'd lost  
Yet rolling *Tiber* still maintains his Stream,  
Swell'd with the Glories of the *Roman* Name.  
Strange Power of Fate! unshaken Moles must waste;  
While Things that ever move for ever last.





## PART II. BOOK II.

*Of the RELIGION of the Romans.*



### C H A P. I.

*Of the Religion and Morality of the ROMANS in General.*

THAT RELIGION is absolutely necessary for the establishing of Civil Government, is a Truth so far from being denied by any Sort of Persons, that we meet with too many who are unwilling to allow any other Design in sacred Institutions. As to the *Romans*, it has been universally agreed, that Virtue and Fortune were engaged in a Sort of noble Contention for the Advancement of the Grandeur and Happiness of that People. And a Judge, not suspected of Partiality in that Case, has concluded the latter to be only a Consequence of the former. *For Religion*, says he (a), *produced good Laws: good Laws, good Fortune; and good Fortune, a good End in whatever they undertook.* Nor, perhaps, has he strained the Panegyric much too high, when he tells us, *That for several Ages together, never was the Fear of God more eminently conspicuous than in that Republic* (b). It was this Consideration which made the great St. *Augustine* observe (c), *That God would not give Heaven to the Romans, because they were Heathens; but he gave them the Empire of the World because they were Virtuous.* And indeed, in their more general Vir-

(a) *Machiavel's Discourse on Livy*, lib. 1. cap. 11. (b) *Ibid.* (c) *De Civitate Dei*, lib. 4. cap. 15.

tues their Practice inclined rather to the Excess than the Defect : Thus were they devout to Superstition; valiant to a Contempt of Life and an inconsiderate Courting of Danger; frugal and temperate in the first Ages to a voluntary Abstinence from agreeable Pleasures and Conveniences; constant several Times to the Occasion of their own Ruin; and rather rigorous than just. A tedious Account of the *Decii*, *Regulus*, *Fabricius*, *Curius*, *Scævola*, &c. would be needless even to a School-Boy, who is seldom unfurnished with a Stock of such Histories.

But we must by no means omit a most noble Saying of *Cicero*, to this Purpose, in his Oration about the Answer of the *Auruspices*: *Quam volumus licet, Patres Conscripti, nos amemus: tamen nec numero Hispanos; nec robore Gallos, nec caliditate Pœnos, nec artibus Græcos; nec denique hoc ipso hujas Gentis & Terræ domestico nativoque sensu Italos ipsos & Latinos: sed Pietate ac Religione, atque hac una sapientia, quod Deorum immortalium Numine omnia regi gubernarique perspexit, omnes Gentes Nationesque superavimus.*

But it will naturally be objected, that whatever Harangues we make upon the Justice, Temperance, and other celebrated Virtues of the old *Romans*, they at last degenerated into the most luxurious and extravagant People in the World. Every Page of their own Satyrists is a very good Argument for this Opinion; besides the numerous Complaints of their Historians and other Writers. Now though *Lipsius* has undertaken to clear them from such Imputations; yet we must be forced to allow, that they debased the noble and generous Spirit of their Ancestors; and this Corruption was, without doubt, the only Cause of the Declension and Ruin of the Empire. But as we are not to give over the Cause of Virtue, on Account of the Debauchery of latter Times, so we have little Reason to exalt the eminent Qualities of the old *Romans* to so high a Pitch as some imagine. There is no Necessity of making a Hero of every Consul, or fancying every one, who was eminently serviceable to the Republic, to have been a Person of consummate Virtue. So that when we meet in *Roman Authors* with such extravagant Encomiums of their Ancestors, we may conclude, that what *Horace* has observed in Reference to Poetry will hold good in this Case: 'The Generality of People being so strangely transported with the Love and Admiration of Antiquity, that nothing was more usual than to meet with such a Person as he describes.'

*Qui redit ad Fastos, & virtutem aestimat annis,  
Miraturque nibil nisi quid Libitina sacravit.*

That when he'd try a Man's Pretence to Fame,  
Runs to his Chronicle to find his Name:  
Thinks Virtue better for its Age, like Wine;  
And only likes what Death has made Divine.

For we may often observe, that their very Panegyrics upon the honest People of the first Ages of the Commonwealth, represent them rather as a Sort of rude, unpolished Mortals, than as Persons eminent for any noble Endowments. So *Juvenal, Sat. 14.*

—————*Saturabat glebula talis  
Patrem ipsum turbamque casæ; quæ fœta jacbat  
Uxor, & infantes ludcabant quatuor, unus  
Vernula, tres domini: Sed magnis fratribus horum  
Ascorbe vel fulco redeuntibus altera cœna  
Amplior, & grandes sumabant pulibus olleæ.*

—————This little Spot of Earth, well till'd,  
A numerous Family with Plenty fill'd.  
The good old Man and thrifty Housewife spent  
Their Days in Peace, and fatten'd with Content;  
Enjoy'd the Dregs of Life, and liv'd to see  
A long, descending, healthful Progeny.  
The Men were fashion'd in a larger Mould:  
The Women fit for Labour, big, and bold.  
Gigantic Hinds, as soon as Work was done,  
To their huge Pots of boiling Pulse would run;  
Fell to, with eager Joy, on homely Food,  
And their large Veins beat strong with wholesome Blood.

DRYDEN.

But the Account which *Perfius* gives us of *Titus Quintius*, the old Country Dictator, has something more of ridiculous in it.

*Unde Remus, fulcoque terens dentalia Quinti,  
Quem trepida ante boves Dictatorem induit uxor,  
Et tua arrata domum Lictor tulit (a).——*

(a) *Perf. Sat. 1.*

Where

Where *Romulus* was bred, and *Quintus* born,  
 Whose shining Plough-share was in Furrows worn;  
 Met by his trembling Wife returning home,  
 And rustically joy'd as Chief of *Rome*.  
 She wip'd the Sweat from the Dictator's Brow;  
 And o'er his Back his Robe did rudely throw;  
 The Lictors bore in State their Lord's triumphant }  
 Plough.

DRYDEN.

We must therefore allow every Age its proper Character and Commendation; and conclude with the ingenious Monsieur St. Evremont, *That the excellent Citizens lived among the ancient Romans, and the accomplished Generals among the latter (a)*.

(a) *Refle&t. upon the Genius of the Roman People, cap. 4.*

## C H A P. II.

*Of the Luperci, Lupercalia, &c. Of the Potitii and Pinarii; and of the Arval Brothers.*

**T**HE Places of Worship have been already described, the chief Subjects that still remain relating to Religion, are the Priests, the Sacrifices, and the Festivals: For it would be needless and impertinent to enter into a Disquisition about the Deities; a Matter that is involved in so many endless Fictions, and yet has employed so many Pens to explain it.

*Luperci.]* The most antient Order of the Priests were *Luperci*, sacred to *Pan* the God of the Country, and particularly of Shepherds. They had their Name from the Deity they attended on, called in Greek λύκας; probably from λύκος a Wolf, in Latin, *Lupus*; because the chief Employment of *Pan* was the driving away such Beasts from

*Lupercalia*. the Sheep that he protected. The *Lupercalia*, as

Plutarch observes, appears to have been a Feast of Purification, being solemnized on the *Dies-Nefasti*, or Non-Court-Days of the Month *February*, which derives its Name from *februa*, to purify: And the very Day of the Celebration was antiently called *Februaca* (a).

(a) *Plutarck in Romul.*

The

The Ceremony was very singular and strange.

In the first Place there was a Sacrifice killed of Goats and a Dog. Then two Children, Noblemen's Sons, being brought thither, some of the *Luperci* stained their Foreheads with the bloody Knife, while others wiped off the Stain with Locks of Wool dipped in the Milk; the Boys must always laugh after their Foreheads have been wiped: This done, having cut the Goat-kins into Thongs, they ran about the Streets all naked but the Middle, and lashed all that they met in their Procession. The young Women never took any Care to avoid the Strokes, but rather offered themselves of their own Accord, fancying them to be great Helpers of Conception and Delivery (*b*). They ran naked, because *Pan* is always painted so. They sacrificed a Goat, because the same Deity was supposed to have Goats Feet; which gave Occasion to his common Epithet of *Capripes*. As for the Dog we meet with in the Sacrifice, it was added as a necessary Companion of a Shepherd, and because of the natural Antipathy between them and Wolves.

Some have fancied with *Plutarch*, that these *Lupercalia* were instituted in Honour of the Wolf that preserved *Romulus* and *Remus*. Others carry their Original much higher and tell us, that they were brought into *Italy* by *Evander*, before the Time of *Aeneas*.

There were two Companies of the *Luperci*, the *Fabiani* and *Quintiliani*; one for *Romulus*, the other for *Remus*: They took their Names from *Fabius* and *Quinctilius*, two of their Masters or Chief Priests (*c*). *Dion Cassius* tells us, that a third Sort of Priests, designed for the Celebration of the *Lupercalia*, were instituted by the Senate to the Honour of *Julius Cæsar* (*d*).

*Suetonius* (*e*) reckons the *Lupercalia* among the antient Rites and Ceremonies restored by *Augustus*: And *Onuph. Panvinius* assures us, they continued in *Rome* until the Time of the Emperor *Anastasius*.

2. *Potitii* and *Pinarii.*] The *Potitii* and *Pinarii* were of equal Antiquity with the former. They owe their Institution to the same Author, upon the following Account:

After the killing of *Cacus*, a Giant that had stolen some of the Cattle of *Hercules*, the Booty that he brought through *Italy* from *Spain*; the Shepherds and ignorant People of the Country, gathering in great Flocks about the Stranger, at last brought him before *Evander*. The King after Examination,

(*b*) *Plutarch in Romul.* (*c*) *Sext. Pompej. Festus & Ovid. Fast.* (*d*) *Ibid. 44.*  
(*e*) In *August.* cap. 31.

finding him to be in all Respects the same Person that his Mother the Prophetess *Carmenta* had told him should come into *Italy*, and be afterwards a God, immediately erected an Altar to his Honour, and offered for a Sacrifice a young Bullock that never bore the Yoke ; ordaining, that the same Ceremony should be repeated in a solemn Manner every Year. The Performance of these Rites he committed to the Care of the *Potitii* and *Pinarii*, two of the noblest Families, and of the best Repute, in those Parts. It is reported, that the *Pinarii* happening to come too late to the Sacrifice, so as to lose their Share in the Entrails, they were, by way of Punishment, debarred from ever tasting them for the future : And hence some derive their Name from *mīra*, Hunger. But this I look on as a Mistake ; for we may as well derive *Potitii* from *patiri*, because they enjoyed the Entrails, as *Pinarii* from *mīra*, because they wanted them.

We meet with something very remarkable of the *Potitii* in *Livy* (a), and *Valerius Maximus* (b).

That when, upon Application made to *Appius Claudius* the Censor, they got Leave to have their hereditary Ministry discharged by Servants, in the Compass of one Year the whole Family was entirely extint, though no less than thirty of them were lusty young Men. And *Appius Claudius* lost his Eyes, as a Judgment for his Part in the Offence.

*Acca Laurentia*, *Romulus's* Nurse, had a Custom once a Year to make a solemn Sacrifice for a Blessing upon the Fields ; her twelve Sons always assisting in the Solemnity. At last she had the ill Fortune to lose one of her Sons ; when *Romulus*, to shew his Gratitude and Respect, offered himself to fill up the Number in his Room, and gave the Company the Name of *Fratres Arvales*. This Order was in great Repute at *Rome* ; they held the Dignity for their Lives, and never lost it on Account of Imprisonment, Banishment, or any other Accident (c). They wore on their Heads, at the Time of their Solemnity, Crowns made of Ears of Corn, upon a Tradition, that *Laurentia* at first presented *Romulus* with such an one (d). Some affirm, that it was their Business to take care of the Boundaries, and the Divisions of Lands, and to decide all Controversies that might happen concerning them : The Processions or Perambulations, made under their Guidance, being termed *Ambertalia* : Others make a different Order, instituted for that Purpose, called *Sidale Arvales*, on the same Account as the *Fratres Arvales*.

(a) Lib. 9. (b) Lib. 1. c. 1. (c) Plin. 1.17. c. 2. (d) Pomp. Lst. de Sacred.

## C H A P. II.

## Of the Augurs, Auguries, &amp;c.

THE Invention of Soothsaying is generally attributed to the *Chaldeans*: From them the Art passed to the *Grecians*; the *Grecians* delivered it to the *Tuscans*, and they to the *Latins* and the *Romans*. The Name of *Augurs* is derived by some, *ab Avium gestu*; by others *ab Avium garritu*: Either from the Motion and Actions, or from the Chirping and Chattering of Birds. *Romulus* was an extraordinary Proficient in this Art (a), and therefore as he divided the City into three Tribes, so he constituted three *Augurs*, one for every Tribe. Some Time after a fourth was added, probably by *Servius Tullus*, who encreased the Tribes to that Number. These four being all chosen out of the *Patricii* or Nobility, in the Year of the City 454, the Tribunes of the People, with much Difficulty, procured an Order, that five Persons, to be elected out of the Commons, should be added to the College (b). Afterwards *Sylla* the *Dictator*, A. U. C. 971, increased the Number to fifteen (c). The eldest of these had the Command of the rest, and was honoured with the Title of *Magister Collegii* (d).

Their Business was to interpret Dreams, Oracles, Prodigies, &c. and to tell whether any Action should be fortunate or prejudicial to any particular Persons, or to the Commonwealth. Upon this Account, they very often occasioned the displacing of Magistrates, the deferring of public Assemblies, &c. whenever the Omens proved unlucky.

Before we treat of the several kinds of *Auguries*, it may not be improper to give an Account of the two chief Terms by which they are distinguished in Authors, *dextra* and *sinistra*. These being differently applied by the *Greeks* and *Latins*, and very often by the *Latins* themselves, (who sometimes speak agreeably to the *Grecian* Customs, sometimes according to their own) have given Occasion to many Mistakes, which may be all cleared up by this plain Observation; that both the *Greeks* and *Romans* deriving the Happiness of their Omens from the Eastern Quarter, the former turned towards the North, and so had the East on their Right Hand, the latter towards the South, and therefore had the East on their Left. *Vid. Bullenger. de Augur. and Auspic. L. 2. C. 2.*

There are five Sorts of *Auguries* mentioned in Authors.

(a) *Plutarch in Romul.* (b) *Lic. lib. 10.* (c) *Florus Epitom. Lic. lib. 89.*  
(d) *Alex. ab Alex. lib. 5. cap. 18.*

1. From the Appearances of Heaven; as Thunder; Lightning, Comets, and other Meteors. As suppose of Thunder, whether it came from the Right or the Left: Whether the Number of Strokes were even or odd, &c. Only the Master of the College could take this Sort of *Augury* (a).

2. From Birds; whence they had the Name of *Auspices*, from *avis* and *confidio*. Some Birds furnished them with Observations from their Chattering or Singing; others from their Flying. The former they called *Oscines*; the latter *Præpetes*. Of the first Sort were Crows, Pies, Owls, &c. of the other, Eagles, Vultures, Buzzards, and the like.

For the taking of both these Sorts of *Auguries*, the Observer stood upon a Tower, with his Head covered in a Gown peculiar to his Office, called *Læna*, and, turning his Face towards the East, marked out the Heavens into four *Terpla* or Quarters, with his *Lituus*, a short straight Rod, only a little turning at one End: This done, he waited for the Omen; which never signified any Thing unless confirmed by another of the same Sort.

3. From the Chickens kept in a Coop or Penn for this Purpose. The Manner of Divining from them was as follows: Early in the Morning the *Augur* that was to make the Observation, called from hence *Pullarius*, (though perhaps the Keeper of the Chickens had rather that Name) in the first Place commanding a general Silence, ordered the Penn to be opened, and threw down a Handful of Crumbs or Corn. If the Chickens did not immediately run fluttering to the Meat; if they scattered it with their Wings; if they went by without taking Notice of it, or if they flew away; the Omen was reckoned unfortunate, and to portend Danger or Misfortune: But if they leaped presently out of the Penn, and eat so greedily, as to let some of their Meat drop out of their Mouths upon the Pavements, they thought it indicated Happiness and Success (b). This *Augury* was called *Triplidium, quasi Terrifavium*, from striking the Earth: The old Word *pavire* signifying as much as *ferire*. We meet with *Triplidium Scliflum*, and *Triplidium Sonivium*, in *Festus*, both derived from the Crumbs falling to the Ground.

4. From Beasts. These, as *Rosinus* reckons them up, were Wolves, Foxes, Goats, Heifers, Asles, Rams, Hares, Weasels, and Mice. The general Observations about them were, Whether they appeared in a strange Place, or crooked the Way; or whether they ran to the Right or Left, &c.

(a) *Alex. ab Alex.* lib. 5. cap. 19. (b) *Idem*, lib. 9. cap. 29.

5. The last Sort of Divination was from what they called *Diræ*, or unusual Accidents to any Person or Place; as Sneezing, Stumbling, seeing Apparitions; hearing Strange Voices, the falling of Salt upon the Table, the spilling of Wine upon one's Cloaths, the meeting of a Wolf, a Fox, a Hare, a Bitch with Whelp, &c.

We may observe, that though any *Augur* might take an Observation, yet the judging of the Omen was left to the Decision of the whole College (*a*).

*Cicero* has sufficiently exposed these *Auguries*, especially that about the Chickens, in his second Book of *Divination*.

The learned Mr. O. W. has taken notice, that the Emperors assumed the Office of *Augurs* as well as of *Pontiffs*, as appear from several Coins of *Julius*, *Augustus*, *Vespasian*, *Verus*, &c. which have the *Augurs* Ensigns upon them.

## C H A P. IV.

### Of the Aruspices and Pontifices.

**T**HE *Aruſpices* had this Name *ab aris aspiciendis*, from looking upon the Altars; as *ab extis inspiciendis*, they were called *Extispices*: They owe their Original to *Romulus*, who borrowed the Institution from the *Tuscans*. The *Tuscans* received it, according to the general Tradition, from a Boy that they strangely ploughed up out of the Ground, who discovered to them all the Mysterics belonging to this Art (*b*). At first only the Natives of *Tuscany* exercised this Office at *Rome*; and therefore the Senate made an Order, that twelve of the Sons of the principal Nobility should be sent into that Country, to be instructed in the Rites and Ceremonies of their Religion, of which this Secret was a chief Part (*c*). The Business of the *Aruſpices* was to look upon the Beasts offered in Sacrifice, and by them to divine the Success of any Enterprise. They took their Observations from four Appearances.

1. From the Beasts before they were cut up.
2. From the Entrails of those Beasts after they were cut up.
3. From the Flame that ran when they were burning.
4. From the Flower or Bean, from the Frankincense, Wine, and Water that they used in the Sacrifice.

In the Beasts, before they were cut up, they took notice, whether they were forcibly dragged to the Altar; whether they got loose out of the Leader's Hands; whether they

(*a*) *Alex. ab Alex.* i. i. c. 20. (*b*) *Suet. de D.* i. 2. (*c*) *H. de D.* i. 1.  
II. 2. et cap.

escaped the Stroke; or bounded up, and roared very loud when they received it; whether they died with a great deal of Difficulty, all which, with several other Omens, were counted unfortunate: Or whether, on the other Side, they followed the Leader without Compulsion; received the Blow without Struggling and Resistance: whether they died easily, and sent out a great Quantity of Blood, which gave equal Assurance of a prosperous Event.

In the Beast, when cut up, they observed the Colour of the Parts, and whether any were wanting. A double Liver was counted highly unfortunate: A little, or a lean Heart, was always unlucky: If the Heart was wholly missing, nothing could be thought more fatal and dreadful; as it happened in two Oxen together offered by *Julius Cæsar*, a little before his Murder. If the Entrails fell out of the Priest's Hands; if they were besmeared more than ordinary with Blood; if they were of a livid Colour, they portended sudden Danger and Ruin.

As to the Flame of the Sacrifice, it furnished them with a good Omen, if it gathered up violently, and presently consumed the Sacrifice; if it was clear, pure and transparent, without any Mixture of Smoke, and not discoloured with red, pale, or black; if it was quiet and calm, not sparkling or crackling, but run up directly in the Shape of a Pyramid. On the contrary, it always portended Misfortunes, if at first it required much Pains to light it; if it did not burn upright, but rolled into Circles, and left void Spaces between them; if it did not presently catch hold on the whole Sacrifice, but crept up by Degrees, from one Part to another; if it happened to be spread about by the Wind, or to be put out by sudden Rain, or to leave any Part unconsumed.

In the Meal, Frankincense, Wine and Water, they were to observe, whether they had their due Quantity, their proper Taste, Colour, and Smell, &c.

There were several lesser Signs which supplied them with Conjectures, too insignificant to be here mentioned.

Most of these ill Omens are hinted at by *Virgil*, *Georg. 3.* v. 486.

*Sæpe in honore Deum medio flans hostia ad aram,*  
*Laxca dum niveâ circumdatur insula vittâ,*  
*Inter cunctantes ecclidit moribunda ministros.*  
*Aut si: quam ferro macraverat ante Sacerdos,*  
*Inde neque impositis ardent altaria fibris,*  
*Nec responsi putes consultus reddere vates:*  
*Ac vix suppediti tinguntur sanguine cultri,*  
*Summaque jejune sonia infuscatur arena.*

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The Victim Ox that was for Altars pres'd,  
 Trim'd with white Ribbands, and with Garlands dress'd,  
 Sunk of himself without the Gods Command,  
 Preventing the slow Sacrificer's Hand;  
 Or, by the holy Butcher if he fell,  
 Th' inspect'd Entrails cou'd no Fate foretel:  
 Nor laid on Altars, did pure Flames arise,  
 But Clouds of smoildring Smoke forbad the Sacrifice.  
 Scarcely the Knife was redden'd with his Gore,  
 Or the black Pois'on stain'd the sandy Floor.

DRYDEN.

Yet the Business of the *Auspices*, was not restrained to the Altars and Sacrifices, but they had an equal Right to the explaining all other Portents and Monsters. Hence we find them often consulted by the Senate on extraordinary Occasions: Or if the *Roman Auspices* lay under a Dispute, others were sent from *Tuscany*, where this Craft most flourished, and was first invented.

The College of *Auspices*, as well as those of the other Religious Orders, had their particular Registers and Records; such as the Memorials of Thunders and Lightnings, the *Tuscan Histories*, and the like.

There are but two Accounts of the Derivation of the Name of the *Pontifices*, and both very uncertain; either from *Pons* and *facere*; because they first built the *Sublilian Bridge* in *Rome*, and had the Care of its Repair; or from *Poffe* and *facere*, where *facere* must be interpreted to signify the same as *Offerre*, and *Sacrificeare*. The first of these is the most received Opinion; yet *Plutarch* hath ca'lled it absurd (a). At the first Institution of them by *Numa*, the Number was confined to four, who were constantly chosen out of the Nobility; until the Year of the City 454, when five more were ordered to be added out of the Commons, at the same Time that the *Augurs* received the like Addition. And as the *Augurs* had a College, so the *Pontifices* too were settled in such a Body. And as *Sylla* afterwards added seven *Augurs*, so he added as many *Pontifices* to the College: The first eight bearing the Name of *Pontifices maiiores*, and the rest of *minores*.

The Office of the *Pontifices*, was to give Judgment in all Causes relating to Religion; to enquire into the Lives and Manners of the inferior Priests, and to punish them if they saw Occasion; to prescribe Rules for Public Worship; to

(a) In *Numa*.

regulate the Feasts, Sacrifices, and all other sacred Institutions. *Tully*, in his Oration to them for his House, tells them, that the Honour and Safety of the Commonwealth, the Liberty of the People, the Houses and Fortunes of the Citizens, and the very Gods themselves, were all entrusted to their Care, and depended wholly on their Wisdom and Management.

The Master, or Superintendent of the *Pontifices*, was one of the most honourable Offices in the Commonwealth. *Numa*, when he instituted the Order, invested himself first with this Dignity, as *Plutarch* informs us; though *Livy* attributes it to another Person of the same Name. The Definition *Festus* gives of this great Priest is, *Judex atque Arbitrarius Rerum Humanarum Divinarumque*, the Judge and Arbitrator of Divine and Human Affairs. Upon this Account all the Emperors, after the Examples of *Julius Cæsar*, and *Augustus*, either actually took upon them the Office, or at least used the Name. And even the Christian Emperors, for some Time, retained this in the ordinary Enumeration of their Titles; until the Time of *Gratian*, who (as we learn from (a) *Zosimus*) absolutely refused it.

*Polydore Virgil* (b) does not question but this was an infallible Omen of the Authority which the Bishop of *Rome* enjoys to this Day, under the Name of *Pontifex maximus*.

(c) *Hist. lib. 4.* (d) *De rerum invent. lib. 4. c. 14.*

## C H A P. V.

*Of the Flamines, Rex Sacrorum, Salii, Feciales, and Sodales.*

**T**HE Name of the *Flamines* is not much clearer than the former. *Plutarch* makes it a Corruption of *Pilamines* from *Pilus*, a Sort of Cap proper to the Order. *Varro*, *Festus*, and *Servius* will have it a Contraction of *Filamines*, from *Filum*; and tell us, finding that their Caps too heavy and troublesome, they took up a lighter Fashion, only binding a Parcel of Thread about their Heads. Others derive the Word from *Flamina* or *Flameum*, a Sort of *Turban*, which they make them to have worn; though this generally signifies a Woman's Veil. *Refnus* and Mr. *Dodwell* declare for the second of these Opinions; *Polydore Virgil* has given his Judgment in Favour of the third (e).

(e) *De invent. rer. lib. 4. cap. 14.*

*Numa* at first discharged several Offices of Religion himself, and designed that all his Successors should do the like : But because he thought the greatest Part of them would partake more of *Romulus* his Genius than his own, and that their being engaged in War-like Enterprizes might incapacitate them for this Function, he instituted these *Flamines* to take care of the same Services, which by Right belonged to the Kings (a).

The only three constituted at first were the *Flamen Dialis*, *Martialis*, and *Quirinalis*. The first was sacred to *Jupiter*; and a Person of the highest Authority in the Commonwealth. He was obliged to observe several superstitious Restraints, as well as honoured with several eminent Privileges beyond other Officers ; which are reckoned up at large by *Gellius* (b). The same Author tells us, that the Wife of this *Flamen* had the Name of *Flaminica*, and was entrusted with the Care of several Ceremonies peculiar to her Place.

But it is certain, the Greatness of the Dignity was sufficiently diminished in succeeding Times ; otherwise we cannot imagine, that *Julius Cæsar* would have been invested with it at seventeen Years of Age, as *Suetonius* (c) informs us he was : Or that *Sylla* would have driven him from his Office, and his House.

The other two were of less, yet of very eminent Authority ; ordained to inspect the Rites of *Mars* and *Romulus*. All three were chosen from the Nobility. Several Priests of the same Order, though of inferior Power and Dignity, were added in latter Times ; the whole Number being generally computed at fifteen. Yet *Fancella* (or the Author under his Name) assures us from *Varrus*, that the old *Romans* had a particular *Flamen* for every Deity they worshipped (d).

Though the *Flamen Dialis* discharged several religious Duties that properly belonged to the Kings, yet we meet with another Officer of greater Authority, who seems to have been wholly designed for that Employment : And this was the *Rex Sacrificulus*, or *Sacrorum*. *Dionysius* gives us the Original of this Institution as follows : *Beside the Kings bed, in a great many Respects, been very serviceable to the State, the Establishers of the Commonwealth thought it very proper to keep always the Name of King in the City. Upon this Account they ordered the Augurs and Pontifices to choose a 3d Person, who should engage never to have the least Hand in Civil Affairs,*

(a) *Liv.* lib. 5.

(b) *Naz.* Att. lib. 10. cap. 15.

(c) Cap. 1.

(d) *D. Sacerdotis*, cap. 5.

but devote himself wholly to the Care of the Public Worship and Ceremonies of Religion, with the Title of *Rex Sacrorum* (a). And *Livy* informs us, that the Office of *Rex Sacrorum* was therefore made inferior to that of *Pontifex Maximus*, lest the Name of King, which had been formerly so odious to the People, might, notwithstanding this Restraint, be still, in some Measure, prejudicial to their Liberty (b).

*Salii.*] The Original of the *Salii* may be thus deduced from *Plutarch*. In the eighth Year of *Numa's Reign*, a terrible Pestilence, spreading itself over *Italy*, among other Places infested *Rome*. The Citizens were almost grown desperate, when they were comforted on a sudden by the Report of a Brazen Target, which, they say, fell into *Numa's Hands* from Heaven. The King was assured by the Conference he maintained with the Nymph *Egeria* and the Muses, that the Target was sent from the Gods for the Cure and Safety of the City; and this was soon verified by the miraculous Ceasing of the Sickness. They advised him too, to make eleven other Targets, so like in their Dimensions and Form to the Original, that in Case there should be a Design of stealing it away, the true might not be distinguished or known from those which were counterfeited; by which means it would be more difficult to defeat the Counsels of Fate, in which it had been determined, that, while this was preserved, the City should prove happy and victorious. This difficult Work one *Veterius Mamurinus* very luckily performed, and made eleven others that *Numa* himself could not know from the first. They were worked into an Oval Form, with several Folds or Plaits closing one over another. They exactly fitted the Elbow by their Figure; and were thence called *Ancylia*, from ἄγκη which signifies a crooked Javelin; or from the *Cubit*, ἄγκυ that Part of the Arm between the Wrist and the Elbow, upon which they carried the *Ancylia* (c). For the keeping of these *Numa* instituted an Order of Priests, called *Salii*, à saliendo, from Leaping or Dancing. They lived in a Body, and composed a College, consisting of the same Number of Men with the Bucklers which they preserved. The three Seniors governed the Rest; of whom the first had the Name of *Præfus*; the second of *Vates*; and the other of *Magister* (d). In the Month of *March* was their great Feast, when they carried their sacred Charge about the City. At this Procession, they were habited in a short scarlet Cassock, having round them a

(a) *Antiq.* lib. 5. (b) *Liv.* lib. 2. (c) *Plutarch.* in *Numa*. (d) *Alex. ab Alex.* lib. 1. cap. 26.

broad Belt clasped with brass Buckles. On their Head they wore a Sort of Copper Helmet. In this Manner they went on with a nimble Motion, keeping just Measures with their Feet, and demonstrating great Strength and Agility by the various handsome Turns of their Body (a). They sung by the Way a Set of old Verses, called the *Carmen Saliare*; the original Form of which was composed by Numa. They were sacred to *Mars*, (the *Ancylia*, or Targets, being Parts of Armour,) who from them took the Name of *Salifulsulus*: And, therefore, on Account of the extraordinary Noise and Shaking that they made in their Dances, *Catullus*, to signify a strong Bridge, has used the Phrase,

*In quo vel Salifulsuli Sacra flunt* (b).

Unless the Conjecture of *Vossius* be true, that *Salifulsulus* is here a Corruption from *Salii iffulis*: The Performers in those Dances, bearing with them, among other superstitious Trifles, thin Plates worked into the Shapes of Men and Women, which they called *iffiles*, or *subfiles*, and *ipfile*, or *subfile*. Upon admitting this Opinion, *Mars* must lose his Name of *Salifulsulus*; and *Pacuvius* cannot relieve him; because the Verse with this Word in it commonly cited from that old Poet, is thought (by *Vossius* at least) to be a mere Fiction of *Muretus*, who was noted for this Kind of Forgery. See *Voss.* in *Catul.* p. 46.

Though the Month of *March* (dedicated to that God) was the proper Time for carrying about the *Ancylia*; yet if at any Time a just and lawful War had been proclaimed by Order of the Senate, against any State or People, the *Salii* were, in a solemn Manner, to move the *Ancylia*; as if by that Means they roused *Mars* from his Seat, and sent him out to the Assistance of their Arms (c).

*Tullius Hostilius* afterwards increased the College with twelve more *Salii*, in pursuance of a Vow he made in a Battle with the *Sabines*. And, therefore, for Distinction Sake, the first twelve were generally called *Salii Palatini*, from the *Palatine Mountain*, whence they began their Procession; the others *Salii Collini*, or *Agnensis*, from the *Quirinal Hill*, sometimes called *Mons Agnalis*; where they had a Chapel, on one of the highest Eminences of the Mountain (d).

*Alexander ab Alexandro* has observed, that the Entertainments of these Priests upon their solemn Festivals were very costly and magnificent, with all the Variety of Music, Garlands, Perfumes, &c. (e): And therefore *Hirace* uses *dapes Salianas*.

(a) *Flutarch.* in *Num.* (b) *Catul.* *Car.* v. 17. (c) *Alex. ab A.* x. lib. 1. cap. 26. (d) *Diznj. Hulic.* lib. 3. (e) *Gen. Diet.* lib. cap. 26.

res (a) for delicate Meats, as he does *Pontificum cœnæ* (b) for great Regalio's.

*Feciales.*] The *Feciales Varro* derives from *Fides*, because they had the Care of the public Faith in Leagues and Contracts. Others bring the Word à *fædere faciendo*, on the same Account. Their Original in Italy was very ancient. *Dion. Halicarnassus* finds them among the *Aborigines*, under the Name of σπειδόφοροι *libaminum latores*: And *Virgil*? intimates as much in several Places. *Numa* first instituted the Order at *Rome* (c), consisting of twenty Persons (d), chose out of the most eminent Families in the City, and settled in a College. It is probable he ranked them among the Officers of Religion, to procure them the more Defence and Authority, and to make their Persons more sacred in the Commonwealth.

Their Office was to be the Arbitrators of all Controversies relating to War and Peace; nor was it lawful on any Account to take up Arms, till they had declared all Means and Expedients that might tend to Accommodation to be insufficient. In case the Republic had suffered any Injury from a foreign State, they dispatched these *Feciales*, who were properly Heralds, to demand Satisfaction; who, if they could not procure Restitution, or just Return, calling the Gods to witness against the People and Country, immediately denounced War; otherwise they confirmed the Alliance that had been formerly made, or contracted a new one (e). But the Ceremonies, used upon both these Occasions, will fall more properly under another Head. It is enough to observe here, that both the Affairs were managed by these Officers, with the Consent of the Senate and People.

As to the *Pater Patratus*, it is not easy to determine whether he was a constant Officer, and the Chief of the *Feciales*; or a temporary Minister, elected on Account of making Peace, or denouncing War, which were both done by him. *Resimus* makes him the constant Governor, or Master of the *Feciales* (f). *Fenestella* (or the Author under his Name) a distinct Officer altogether (g). *Pomponius Laetus* (b) and *Polydore Virgil* (i) tell us, that he was only chosen by one of the *Feciales*, out of their own Body, upon such Occasions as we have just mentioned. The latter Opinion may be defended by the Authority of *Livy*, who, in Order to the Treaty with the *Albans* before the triple Combat of

(a) Lib. 1. O.D. 37. (b) Lib. 1. O.D. 14. (c) *Disnyf. Livy.* (d) *Alex. ab Alex.* 1. 5. c. 3. (e) *Plutarch.* in *Numb.* (f) Lib. 3. cap. 21. (g) *De Sacra et R. lit.* cap. 9. (h) *De Extradij. R. lit.* cap. 6. (i) *De invent. Rer. lit.* 4. cap. 14.

the *Horatii* and *Curiatii*, makes one of the *Festivals* chuse a *Pater Patratus* to perform that Ceremony (*a*). The Person intrusted with his Office must have been one who had a Father and a Son both alive; and therefore *Pater Patratus* is no more than a perfecter Sort of Father; as they imagined him to be, whose own Father was still living after himself had been a Father for some Time. Perhaps too they might fancy him to be the fittest Judge in Affairs of such Consequence, who could see as well behind, as before him (*b*).

Though the Members of any Collegiate Body, and particularly the free Tradesmen of the severall Companies, are often called *Sodales*; yet those who challenged that Name by Way of Eminence, were Religious Officers, instituted to take care of the Festivals and annual Honours of great Persons deceased. The first of this Order were the *Sodales Titii*, created to supervise the Solemnities in Memory of *Tatius* the *Sabine* King. *Tiberius* founded a College of the same Nature, and gave the Members the Titles of *Sodales Augustales*; their Business was to inspect the Rites paid to *Augustus Caesar* after his Death; and to perform the same good Offices to the whole *Julian* Family, as the old *Sodales Titii* preserved the sacred Memorials of all the *Sabine* Race.

Afterwards we meet with the *Sodales Antoniniani*, *Helvianii*, *Alexandrini*, &c. instituted on the like Accounts, but so restrained to the Service of the particular Emperors, that the *Antoniniani*, for Example, were divided into the *Pii*, *Lucii*, *Marci*, &c. according to the proper Name of the Prince on whose Honours they were to attend. *Vid. Dodwell. Prælect. 1. ad Spartiani Hadrian. S. 5.*

(*a*) *Lib. 1. cap. 24.*

(*b*) *Plutarch. in Question. Roman.*

## CHAP. VI.

### Of the VESTALS.

**T**HE Institution of the *Vestal Virgins* is generally attributed to *Numa*; though we meet with the *Sacred Fire* long before, and even in the Time of *Æneas*. But perhaps *Numa* was the first who settled the Order, and built a Temple to the Goddess in *Rome* (*a*). Their Office was to attend

(*a*) *Virgil. Ænæs. lib. 2. carm. 297.*

upon

upon the Rites of *Vesta*, the chief Part of it (*a*) being the Preservation of the Holy Fire, which *Numa*, fancying Fire to be the first Principle of all Things, committed to their Charge. *Ovid* tells us, that they understood nothing else but Fire by *Vesta* herself.

*Nec tu aliud Vestam quam vivam intellige flammam* (*b*).

Though sometimes he makes her the same as the Earth.

— *Tellus Vestaque numen idem est* (*c*).

*Polydore Virgil* reconciles the two Names, by observing that Fire, or the natural Heat by which all Things are produced, is enclosed in the Earth (*d*).

They were obliged to keep in this Fire with the utmost Care; and if it happened to go out, it was thought Impiety to light it at any common Flame, but they made use of the pure and unpolluted Rays of the Sun (*e*). Every Year, on the first of *March*, whether it had gone out or no, they always lighted it a-new (*f*). There were other Relics and Holy Things under their Care, of which we have very uncertain Accounts; particularly the famous *Palladium* brought from *Troy* by *Eneas*; for *Ulysses* and *Diomedes* stole only a counterfeit one, a Copy of the other, which was kept with less Care.

*Dionysius* and *Plutarch* assure us, that *Numa* constituted only Virgins for this Service; and that the same Number remained ever after. And therefore a great Antiquary is certainly mistaken, when he makes the Number increased to twenty (*g*).

They were admitted into this Society between the Years of six and ten; and were not properly said to be elected or created, but *captæ*, taken; the *Pontifex Maximus* taking her that he liked by the Hand, and leading her, as it were by Force, from her Parents (*b*).

The chief Rules prescribed them by their Founder, were to vow the strictest Chastity for the Space of thirty Years. The first ten they were only Novices, obliged to learn the Ceremonies, and perfect themselves in the Duties of their Religion. The next ten Years they actually discharged the Sacerdotal Function; and spent the remaining ten in teaching and instructing others. After this Term was compleated, they

(*a*) *Plutarch* & *Dionysius*. (*b*) *Faſt.* 6. v. 231. (*c*) *Faſt* 6. v. 460. (*d*) *De invent. Rer. lib. 1. cap. 14.* (*e*) *Plutarch.* in *Numa*. (*f*) *Alex. ab. Alex. lib. 5. c. 12.* *Macrob. Saturnal. lib. 1. cap. 12.* (*g*) *Alex. ab Alex. Ibid.* (*b*) *A. Gill. lib. 1. cap. 22.*

had Liberty to leave the Order, and chuse any Condition of Life that best suited with their Inclinations; though this was counted unlucky, and therefore seldom put in Practice. Upon Commission of any lesser Faults, they were punished as the *Pontifex Maximus* (who had the Care of them) thought fit. But if they broke their Vow of Virginity, they were constantly buried alive in a Place without the City-Wall, allotted for that peculiar Use (*a*), and thence called *Campus Sceleratus*, as *Festus* informs us.

But this severe Condition was recompensed with several Privileges and Prerogatives. Whenever they went abroad, they had the *Fasces* carried before them (*b*), a Consul, or the *Prætor*, being obliged to give them the Way (*c*). And if in their Walk they casually lighted upon a Malefactor leading to Execution, they had the Favour to deliver him from the Hands of Justice, provided they made Oath that their Meeting was purely accidental, without any Compact or Design (*d*).

(*a*) *Plutarch.* in *Num.*      (*b*) *Ibid.*      (*c*) *Alex. ab. Alex.* lib. 5. cap. 12.      (*d*) *Plutarch.* in *Num.*

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## C H A P. VII.

*Of the Duurnviri, Decemviri, and Quindecemviri,  
Keepers of the Sibylline Writings: And of the Cory-  
bantes, or the Priests of Cybele, and the Epulones.*

**T**HE First of these Orders, famous only on Account of the Relics they preserved, owe their Original to this Occasion.

A strange old Woman coming to *Torquinius Superbus* with nine Books, which, she said, were the Oracles of the *Sibyls*, proffered to sell them. But the King making some Scruple about the Price, she went away and burnt three of them; and returning with the six, asked the same Sum as before. *Tarquin* only laughed at her, on which the old Woman left him once more; and after she had burnt three others, came again with those that were left, but still kept to her old Terms. The King began now to wonder at her Obstinacy, and thinking there might be something more than

than ordinary in the Busines, sent for the *Augurs* to consult what was to be done. They, when their Divinations were performed, acquainted him what a Piece of Impiety he had been guilty of, by refusing a Treasure sent to him from Heaven, and commanded him to give whatever she demanded for the Books that remained. The Woman received her Money, and delivered the Writings; and only, charging them by all Means to keep them sacred, immediately vanished. Two of the Nobility were presently after chose to be the Keepers of these Oracles, which were laid up with all imaginable Care in the *Capitol*, in a Chest under Ground. They could not be consulted without a special Order of the Senate, which was never granted, unless upon the receiving of some notable Defeat; upon the rising of any considerable Mutiny, or Sedition in the State; or upon some other extraordinary Occasion (*a*); several of which we meet with in *Livy* (*b*).

The Number of Priests, in this, as in most other Orders,

They had the common  
Name of *Duumviri*, *De-*  
*cemviri*, or *Quindecimviri*,  
*Sacris faciundis*.

several Times altered. The *Duumviri* continued till about the Year of the City 388, when the Tribunes of the People preferred a Law, that there should be ten Men elected for this

Service, part out of the Nobility, and Part out of the Commons. We meet with the *Decemviri* all along from hence, till about the Time of *Sylla* the Dictator, when the *Quindecimviri* occur: Which Addition of five Persons may, with good Reason, be attributed to him, who increased so many of the other Orders. It were needless to give any farther Account of the *Sibils*, than that they are generally agreed to have been ten in Number; for which we have the Authority of *Varro*; though some make them nine, some four, some three, and some only one (*c*). They all lived in different Ages and Countries, were all Prophetesses; and, if we believe the common Opinion, foretold the coming of our Saviour. As to the Writing, *Dempster* tells us, it was on Linen (*d*). But one would think the common Phrase of *Folia Sibyllae*, used by *Virgil*, *Horace*, and other credible Authors, should argue, that they wrote their Prophecies on Leaves of Trees; especially if we consider the great Antiquity which is generally allowed them, and are assured at the same Time by *Pliny* (*e*), that this was the eldest Way of Writing.

(*a*) *Ditrys. Antig.* lib. 4.    (*b*) Particularly lib. 3. cap. 10. lib. 5. cap. 13.  
lib. 7. cap. 28. lib. 4 cap. 21.    (*c*) *Vid. Dempster. ad R. fin.* lib. 3. cap. 24:  
(*d*) *I. d.*    (*e*) *Lil. 33. cap. 11.*

*Solinus* acquaints us, that these Books which *Tarquin* bought, were burnt in the Conflagration of the Capitol, the Year before *Sylla's* Dictatorship (a). Yet there were others of their inspired Writings, or at least Copies or Extracts of them, collected in *Greece* and other Parts, upon a special Search made by Order of the Senate, which were kept with the same Superstition as the former, till about the Time of *Theodosius the Great*, when the greatest Part of the Senate having embraced the Christian Faith, such Vanities begun to grow out of Fashion; till at last *Stilicho* burnt them all under *Honorius*, for which he is so feverely censured by the noble Poet *Rutilius*, in his ingenious *Itinerary*.

Nec tantum Geticis graffatus proditor armis,  
Ante Sibyllinæ fata cremavit Opis.  
Odimus Althæam consumptæ funere torris;  
Nisæum crinem flere putantur aves.  
At Stilicho æterni fatalia pignora libri,  
Et plena voluit præcipitare colus.

Nor only *Roman* Arms the Wretch betray'd  
To barbarous Foes; before that cursed Deed,

He burnt the Writings of the sacred Maid.

We hate *Althæa* for the fatal Brand;

When *Nisus* fell, the weeping Birds complain'd:

More cruel he than the revengeful Fair;

More cruel he than *Nisus'* Murderer.

Whose impious Hands into the Flames have thrown

The heavenly Pledges of the *Roman* Crown,

Unrav'ling all the Doom that careful Fate had spun.

}

}

Among all the religious Orders, as we meet with none oftner in Authors, so there were none of such an extravagant Constitution as the Priests of *Cybele*. We find them under the different Names of (b) *Curetes*, *Carybantes*, *Galli*, and *Illi* *Dacryli*; but can scarce get one tolerable Etymology of either. As for *Cybele* herself, she is generally taken for the Earth, and is the same with *Rhea*, *Ops*, *Berecyntia*, the *Idæan Mother*, the *Mother of the Gods*, the *Great Goddess*. She was invited and received into *Rome*, from *Pessinus* in *Galatia*, with great Solemnity, by the Advice of the *Sibylline* Oracles (c).

(a) *Polyhistor.* c. 8.

(b) *Vide Danyf. Antiq.* lib. 4

(c) *Lit.* lib.

But to return to her Priests: We find little of any Certainty about them, but that they were all Eunuchs, and by Nation Phrygians; and that in their solemn Processions they danced in Armor, making a confused Noise with Timbrels, Pipes, and Cymbals, howling all the while like mad Men, and cutting themselves as they went along. One would little think, that this was the Goddess, who required such a sacred Silence in her Mysteries as *Virgil* (a) would persuade us she did. And the best we could suppose at the Sight of this bawling Retinue, is, that they were going to settle a Swarm of Bees; for which Service the same Poet recommends the Use of the *Cymbals of Cybele* (b).

But we cannot have a better Relation of the Original, and the Manner of their strange Solemnity, than what *Lucretius* has given us in his second Book.

*Hanc variae gentes, antiquo more sacrorum,  
Idæam vocitant Matrem, Phrygiasque catervas  
Dant Comites; quia primum ex illis finibus edunt  
Per terrarum orbem fruges capisse creari.  
Gallos attribuunt, quia numen qui violârint  
Matris, & ingrati genitoribus inventi sunt,  
Significare volunt indignos esse putandos,  
Vivam progeniem qui in oras luminis edant.  
Tympana tenta tonant palmis & cymbala circum  
Concava, raucifonoque minantur cornua cantu.  
Et Phrygio stimulat numero cava tibia mentes;  
Telaque præportant violenti signa furoris,  
Ingratos animos, atque impia pectori volgi  
Conterrere metu quæ possint numine divæ.  
Hic armata manus (Curcas nomine Graii  
Quos memorant Phrygias) inter se fortè catervis  
Ludunt, in numerumque exsultant sanguine leti; &  
Terrificas capitum quatientes numine cristas.  
Diæcos referunt Curcas; qui fœvis illum  
Fagitum in Cretâ quondum occultasse feruntur,  
Cum pueri circum puerum pernice choreâ  
Armati in numerum pulsarent æribus æra,  
Ne Saturnus cum malis mandaret adeptus,  
Æternumque daret matri sub pectore vulnus.*

Concerning her, fond Superstition frames  
A thousand odd Conceits, a thousand Names,  
And gives her a large Train of Phrygian Dames:

(a) *Aeneid.* 5.

(b) *Georg.* 4.

Because }

Because in *Pbrygia* Corn at first took Birth,  
 And thence was scatter'd o'er the other Earth.  
 They castrate all their Priests ; from whence 'tis shewn,  
 That they deserve no Children of their own,  
 Who or abuse their Sires, or disrespect,  
 Or treat their Mothers with a cold Neglect ;  
 Their Mothers, whom they should adore.—  
 Amidst her Pomp fierce Drums and Cymbals beat,  
 And the hoarse Horns with rattling Notes do threat,  
 The Pipe, with *Pbrygian* Airs, disturbs their Souls,  
 'Till Reason, overthrown, mad Passion rules.  
 They carry Arms, those dreadful Signs of War,  
 To raise in th' impious Rout religious Fear.  
 Hear some in Arms dance round among the Crowd,  
 Look dreadful gay in their own sparkling Blood,  
 Their Crests still shaking with a dreadful Nod. }  
 These represent those armed Priests who strove  
 To drown the tender Cries of Infant *Jove* :  
 By dancing quick, they made a greater Sound,  
 And beat their Armour as they danc'd around,  
 Lest *Saturn* should have found, and eat the Boy,  
 And *Ops* for ever mourn'd her prattling Joy.

CREECH.

But we must not omit a more comic, though shorter Account, that we have of them in *Juvenal*:

— *Matrisque Deūm chorus intrat, & ingens,*  
*Semivir obsceno facies reverenda minori,*  
*Mollia qui raptā secuit genitalia testa,*  
*Fampridem cui rauca cohors, cui tympana cedunt*  
*Plebeia*—(a).

And *Cybele*'s Priests, an Eunuch at their Head,  
 About the Streets a mad Procession led ;  
 The venerable Gelding, large and high,  
 O'er-looks the Herd of his inferior Fry :  
 His awkward Priests about him madly prance,  
 And beat their Timbrels to their mystic Dance.

DRYDEN.

The *Epulones*, at their first Creation, *Livy* (b) assures us, were only three : Soon after they were increased to seven ;

(a) *Sat.* 6.

(b) Lib. 33.

I

whence

whence they are commonly called *Septenviri Epulonum*, or only *Septenviri*, or the *Septenviratus*; and some report that *Julius Cæsar*, by adding three more, changed them to a *Decemvirate*: though it is certain they kept their old Name. They had their Name from a Custom which obtained among the *Romans*, in Time of public Danger, of making a sumptuous Feast in their Temples, to which they did, as it were, invite the Deities themselves. For their Statues were brought on rich Beds, with their *Pulvinaria* too, or Pillows, and placed at the most honourable Part of the Table as the principal Guests. These *Regalio's* they called *Epula*, or *Leclisteria*; the Care of which belonged to the *Epulones*. This Priesthood is by *Pliny Junior* set on an equal Foot with that of the *Augurs*; when, upon a Vacancy in each Order, he supplicates his Master *Trajan* to be admitted to either. The whole Epistle ought to be recited for an Example of Modesty and Wit.

### *P L I N I U S T R A J A N O.*

*Cum sciam, Domine, ad testimonium laudemque morum meorum pertinere tam boni principis judicio exornari, rogo, dignitati, ad quam me provexit indulgentia tua, vel auguratum, vel septenviratum, quia vacant, adjicere digneris: ut jure sacerdotii precari deos pro te publicè possim, quos nunc precor pietate privata.*

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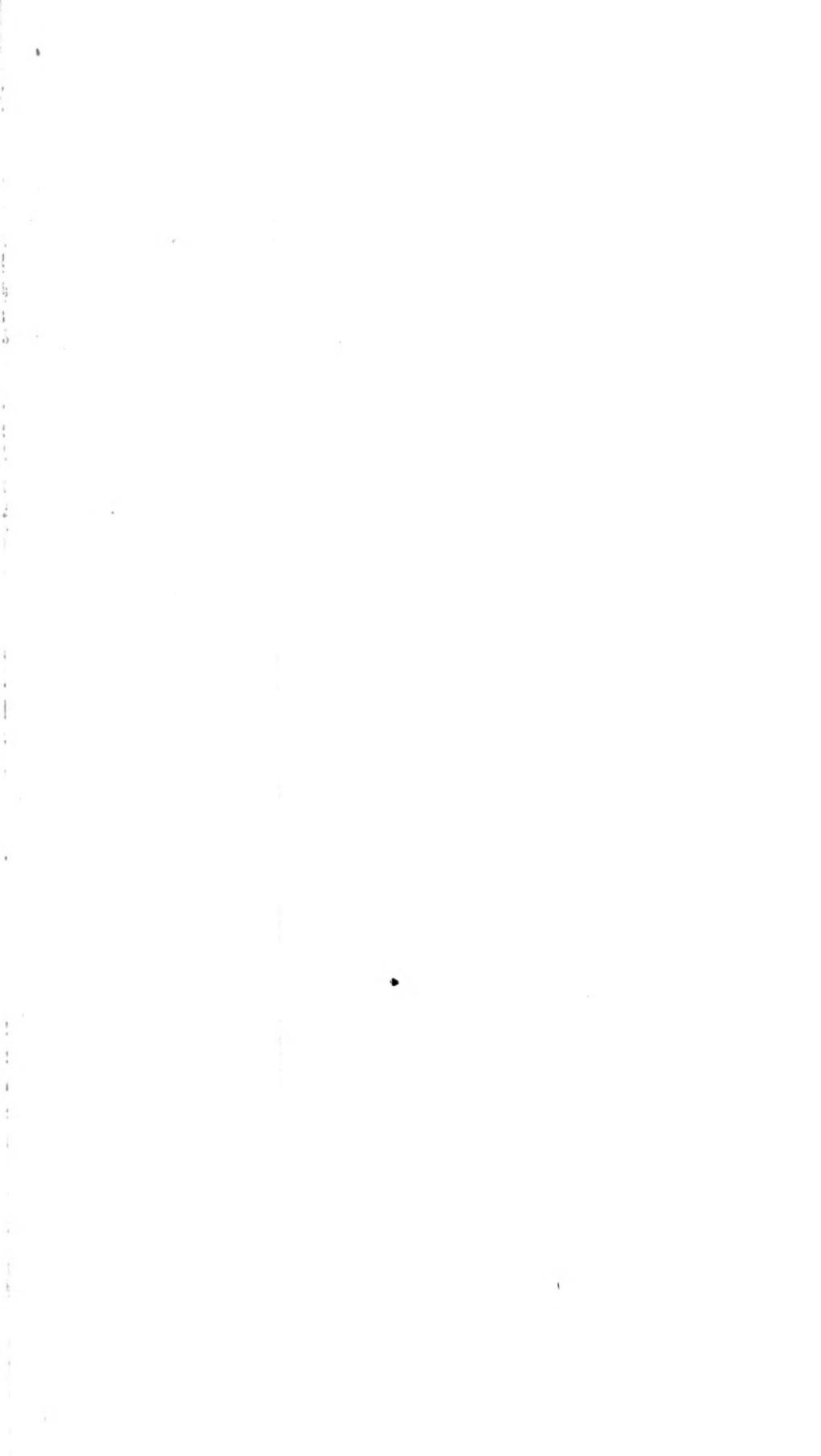
## C H A P. VIII.

### *Of the Roman Sacrifices.*

**T**HE Word *Sacrificium* more properly signifies the Thing offered, than the Action of Offering. The two common Words to express the former, were *Victima* and *Hystia*; which though they are often confounded, yet by the first Word are properly meant the greater Sort of Sacrifices, by the other the les.

Though every Deity had some peculiar Rites and Institutions, and consequently different Sorts of Sacrifices, in which the greatest Part of the public Worship then consisted; yet there were some standing Rules and Ceremonies to be observed in all.

The Priest (and sometimes the Person that offered the Victim) went before in a white Garment free from Spots and





and Figures : For *Cicero* tells us, that White is the most acceptable Colour to the Gods ; probably, because it seems to denote Purity and Innocence.

The Beast to be sacrificed, if of a larger Sort, used to be marked on the Horns with Gold ; if of the lesser Sort, it was crowned with the Leaves of that Tree which the Deity was thought most to delight in, for whom the Sacrifice was designed. And besides these, they wore the *Infulæ* and *Vittæ*, a Sort of white Fillets, about their Head.

Before the Procession went a public Crier, proclaiming *Hoc agere* to the People, to give them Notice that they should forbear Working, and attend at the Solemnity. The Pipers and Harpers too were the Fore-runners of the Show ; and what Time they could spare from their Instruments, was spent in assisting the Crier to admonish the People. The Sacrifice being brought to the Altar, the Priest took hold of the Altar with one Hand, and ushered in the Solemnity with a Prayer to all the Gods ; mentioning *Janus* and *Vesta* always first and last, as if through them they had Access to the Rest. During the Prayer, some public Officer was to command the strictest Silence, for which the common Expression was, *Favete Linguis*, a Phrase used by *Horace* (a), *Juvenal* (b), *Tibullus* (c), &c. And the Piper played all the while, to hinder the hearing of any unlucky Noise. After his Prayer, the Priest began the Sacrifice with what they called *Immolatio*, (though, by *Synecdoche*, the Word is often taken for the whole Act of sacrificing,) the throwing some Sort of Corn and Frankincense, together with the *Mola*, i. e. Bran or Meal mixed with Salt, upon the Head of the Beast. In the next Place, he sprinkled Wine between the Horns ; a Custom often taken Notice of by the Poets. So *Virgil* :

*Ipsa tenens dextrâ pateram pulcherrima Dido,  
Candentis vaccæ media inter cornua fundit (d).*

O'er the white Heifer's Horns the beauteous Queen  
Holds the rich Plate, and pours the Wine between.

And *Ovid* more expressly :

*Rode caper vitæ ; tamen hinc cum flabis ad aras,  
In tua quod fundi cornua poscit, erit (e).*

Go, wanton Goat, about the Vineyard browze  
On the young Shoots, and stop the rising Juice ;

(a) Lib. 3. Od. 1. (b) Sat. 12. (c) Lib. 2. Eleg. 1. (d) Eneid. 4. v. 60.  
(e) Faſt. 1.

You'll leave enough to pour between your Horns,  
When for your Sake the hallow'd Altar burns.

But before he poured the Wine on the Beast, he put the Plate to his own Mouth, and just touched it with his Lips, giving it to those that stood near him to do the like. This they termed *Libatio*.

In the next Place, he plucked off some of the roughest Hairs growing between the Horns of the Beast, and threw them into the Fire, as the *prima Libamina*.

*Et summas capiens media inter cornua setas,  
Ignibus imponit sacris, libamina prima (a).*

The bristling Hairs that on the Forehead grew,  
As the first Offering on the Fire he threw.

And now turning himself to the *East*, he only made a Sort of crooked Line with his Knife from the Forehead to the Tail; and then delivered the Beast to the public Servants to kill. We find these inferior Officers under the several Names of *Pope*, *Agones*, *Cultrarii*, and *Victimarii*: Their Busines, besides the killing of the Beast, was to take off his Skin, to bowel him, and to wash the whole Body. Then the *Aruspex* his Duty came in Place, to search the Entrails for good or bad Omens. When this was over, the Priests had nothing else to do but to lay what Parts they thought fittest for the Gods upon the Altar, and to go and regale themselves upon the Rest. See Alex. ab Alex. *Lib. 4. cap. 17.*

(a) *Aeneid. 6. v. 246.*

## C H A P. IX.

*Of the ROMAN Year.*

**W**E meet with three Accounts in Use at several Times among the *Romans*, which owe their Origin to *Romulus*, *Numa*, and *Julius Cæsar*. *Romulus* divided his Year into ten Months, which *Plutarch* would persuade us had no certain or equal Term, but consisted some of twenty Days, some of thirty-five, and some of more (a). But he is generally allowed to have settled the Number of

(a) *Plut. in Num.*

Days

Days with a great deal more Equality; allotting to *March*, *May*, *Quintilis*, and *October*, one and thirty Days: To *April*, *June*, *Sextilis*, *November* and *December*, thirty, making up in all, three Hundred and four Days (*a*).

*Scilicet arma magis quam sidera, Romule, horas!*

Scaliger indeed is very angry that People should think the Romans had ever any other Account than by twelve Months (*b*): But it is probable that the Testimonies of *Varro*, *Macrobius*, *Censorinus*, *Ovid*, &c. will over-rule the bare Words of *Licinius Macer*, and the Counterfeit *Fenestelli*, which are all he produces. As to the Names of *Romulus*'s Months, the first certainly was consecrated to *Mars*, the Father of the State. The next too may be deduced from *Venus*, the other Guardian Parent of the Romans, if we admit of the Allusion between the Word *Aprilis*, and Ἀρπεῖν her Name in Greek: though it is generally derived from *Aperio*, to open, because this is the chief Part of the Spring, in which the Buds and Flowers open and disclose themselves (*c*). *May* he so named from *Maia* the Mother of *Mercury*, according to *Plutarch* (*d*); though *Macrobius* makes the *Maia* to whom *May* was dedicated, the same as *Rhea*, *Ops*, or the *Earth*, and different from *Mercury*'s Mother (*e*). *Ovid* brings it à *Senibus*, i. e. à *Majoribus* (*f*). *June* either comes from *Juventus*, because this is the youthful and gay Part of the Year (*g*); or it is a Contraction of *Junonius*, and dedicated to the Goddess *Juno* (*b*). The other Months he denominated as they stood in Order: So *Quintilis* is no more than the fifth Month, *Sextilis* than the sixth; and so on: But these two afterwards changed their Names to *July* and *August*, in Honour of *Julius Cæsar*, and his Successor *Augustus*. As *Nero* had afterwards called *April* *Neronius* (*i*); so *Plutarch* tells us, that *Domitian* too, in Imitation of them, gave the two Months immediately following, the Names of *Germanicus* and *Domitianus*; but he being slain, they recovered their old Denominations (*k*).

*Numa* was somewhat better acquainted with the Celestial Motions than his Predecessor; and undertaking to reform the Kalendar, in the first Place he added the two Months of *Jannary* and *February*; the first of which he dedicated to the God

(*a*) *Macrobi. Saturn.* l. 1. cap. 12. *Censor. de die Natal.* c. 20. &c. (*b*) *De Emendat. Tempor.* l. 2. (*c*) *Plut. in Num.* *Macrobi. Sat.* l. 1. c. 12. (*d*) In *Numa*. (*e*) *Sat.* l. 1. cap. 12. (*f*) *Fast.* l. v. 41. (*g*) *Plut. in Numa.* (*h*) *Macrobi. ubi supra.* (*i*) *Suet. in Ner.* c. 55. (*k*) *Plut. in Numa.*

*Januus*; the other took its Name from *Februa*, to purify, because the Feasts of Purification were celebrated in that Month (*a*). To compose these two Months, he added fifty Days to the old three hundred and four, to make them answer the Course of the Moon; and then took six more from the six Months that had even Days, adding one odd Day more than he ought to have done, merely out of Superstition, and to make the Number fortunate. However, he could get but eight and twenty Days for *February*; and therefore that Month was always counted unlucky (*b*). Besides this, he observed the Difference between the Solar and the Lunar Course to be eleven Days; and to remedy the Inequality, he doubled those Days; after every two Years adding an Interstitial Month to follow *February*, which *Plutarch* calls in one Place *Mercidinus* (*c*) and in another *Mercidonius* (*d*). But the Care of this Intercalation being left to the Priests, they put in, or left out, the Month whenever they pleased, as they fancied lucky, or unlucky; so that the Festivals and solemn Days for Sacrifice were removed, by Degrees, till at last they came to be kept at a Season quite contrary to what they had been formerly (*e*).

*Julius Cæsar* was the first that undertook to remedy this Disorder; and for this Purpose he called in the best Philosophers and Mathematicians of his Time, to settle the Point. In order to bring Matters right, he was forced to make one confused Year of fifteen Months, or four hundred forty-five Days; but to preserve a due Regulation for the future, he took away the Intercalary Months; and adding ten Days to *Numa's* three hundred fifty-five, equalled them to the Course of the Sun, except six odd Hours. The ten Days he distributed among those seven Months that had before but nine-and-twenty; and as for the six Hours, he ordered them to be omitted till they made up a whole Day; and this every fourth Year he put in the same Place where the Month used to be inserted before (*f*); and that was just five Days before the End of *February*, or next before the sixth of the Kalends of *March*. For this Reason the supernumerary Day had the Name of *Dies Bissexturnus*; and thence the Leap-Year came to be called *Annum Bissextilis*.

But the Priests, who had been the Authors of the old Confusion, committed as great a Blunder in the New Computation by interposing the Leap-Day at the Beginning of

(*a*) *Ibid.*    (*b*) *Censorin.* *de die Natali.* cap. 20.    (*c*) *In Numa.*    (*d*) *In J. Cæs.*    (*e*) *In J. Cæs.*    (*f*) *Censorin.* cap. 20.

every fourth Year instead of the End; till *Augustus Cæsar* brought it into the right Course again (*a*), in which it has continued ever since, and is followed by a great Part of Europe at this Day.

Yet because there wanted eleven Minutes in the six odd Hours of *Julius's* Year, the *Aequinoxes* and *Solstices* losing something continually, were found, about the Year 1582, to have run back ten whole Days: For which Reason, Pope *Gregory* at that time undertook a new Reformation of the *Kalendar*, cutting off ten Days, to bring them to their proper Places. This Account is called the *Gregorian or New-Style*, which is observed in many Parts of Europe, and took Place in *England*, by Virtue of an A&t of Parliament for that Purpose, in the Year 1751.

(*a*) *Macc. 25. Sat. lib. 1. cap. 14. Sueton. in August. cap. 14.*

## C H A P. X.

### *The Distinction of the ROMAN Days.*

WHEN *Numa* divided the Year into twelve Months, he made a Distinction also in the Days, ranking them in these three Orders: *Dies festi*, *Profesti*, and *Intercessi*.

The first Sort was consecrated to the Gods:

The second allotted for the civil Business of Men:

The third divided between sacred and ordinary Employments.

The *Dies Festi* were set apart for the Celebration of these four Solemnities, *Sacrificia*, *Epulæ*, *Ludi*, and *Feriæ*.

*Sacrificia*, were no more than public Sacrifices to the Gods.

*Epulæ*, were a Sort of Banquets celebrated to the Honour of the Deities.

*Ludi*, were public Sports instituted with the same Design.

*Feriæ*, were either public or private.

The Public were of four Sorts, *Statiuae*, *Conceptivæ*, *Imperativæ* and *Nundinæ*.

*Feriæ Statiuae*, were public Feasts kept by the whole City, according to the Time appointed in the *Kalendar* for their Observation; as the *Agonalia*, *Carmentalia*, *Lupercalia*, &c.

*Feriae Conceptivæ*, were such as the Magistrates, or Priests, appointed annually to be celebrated upon what Days they pleased, as the *Latineæ*, *Paganalia*, *Compitalia*, &c.

*Feriae Imperativæ*, were such as the Consuls, *Prætors*, or Dictators, instituted by Virtue of their own Authority, and commanded to be observed upon solemn Occasions, as the gaining of a Victory, and the like.

*Nundinæ*, were Days set apart for the Concourse of the People out of the Country and neighbouring Towns, to expose their Commodities to Sale, the same as our greater Markets or Fairs. They had the Name of *Nundinæ* because they were kept every ninth Day, as *Ovid* informs us (a). It must be observed, that though the *Nundinæ* at first were of the Number of the *Feriae*, yet they were afterwards by a Law declared to be *Dies Faſti*; that the Country People might not be hindered in their Work, but might at the ſame Time perform their Bulneſs of Market and Sale, and also have their Controversies and Causes decided by the *Prætor*; whereas otherwise they must have been forced to come to Town again upon the usual Court-Days.

*Feriae Privatae*, were Holy-days obſerved by particular Persons or Families upon ſeveral Accounts; as Birth-days, Funerals, and the like.

Thus much for the *Dies Faſti*.

The *Prefesti* were *Faſti*, *Comitiales*, *Comperendini*, *Stati*, and *Præliares*.

*Dies Faſti* were the same as our Court-Days; upon which it was lawful for the *Prætor* to ſit in Judgment, and confequently *Fari tria verba*, to ſay the three ſolemn Words, *Do*, *Dico*, *Addico*, *I ſit here to give Laws, declare Right, adjudge Losses*. All other Days (except the *intercisi*) were called *Nefasti*; because it was not lawful to ſay those three Words upon them, that is, the Courts were not open. But we may obſerve from a Phrase of *Horace* (b), that *Dies nefastus* signifies an unlucky Day, as well as a Non-Court Day.

*Dies Comitiales*, were ſuch Days as the *Comitia*, or public Assemblies of the People were held upon: Or, as *Ovid* ſtiles them,

————— *Quicq; populum jus eft includere septis* (c).

Days when the People are ſhut up to vote.

(a) *Faſt.* 1. *vers.* 54. (b) *Lib.* 2. *Od.* 13. (c) *Faſt.* 1. *vers.* 53.

*Dies compendini*, were Days when Persons that had been sued might give Bail, properly *Days of Adjournment*.

*Dies Stati*, were Days appointed for the Decision of any Cause between a *Roman* and a Foreigner.

*Dies Praeliaries*, were such Days upon which they thought it lawful to engage in an Action of Hostility: For, during the Time of some particular Feasts, as the *Saturnalia*, the *Latinæ*, and that which they called *Cum Mundus patet*, consecrated to *Dis* and *Proserpina*, they reckoned it a Piece of Impiety to raise, march, or exercise their Men, or to encounter with the Enemy, unless first attacked.

If we make a Division of the *Roman* Days into Fortunate and Unfortunate; *Dies Postriduani*, or the next Day after the Kalends, Nones, or Ides, were always reckoned of the latter Sort; and therefore had the Name of *Dies Atri*.

*A. Gellius* gives us the Reason of this Observation from *Verrius Flaccus*, because they had taken notice for several Ages that those Days had proved unlucky to the State in the Loss of Battles, Towns, and other Casualties (a).

He tells us in the same Place, that the Day before the Fourth of the Kalends, Nones, or Ides, was always reckoned unfortunate; he does not know for what Reason, unless that he finds the great Overthrow at *Cannæ* to have happened on such a Day.

(a) *Necr. Attic.* lib. 5. cap. 17.

## C H A P. XI.

### Of the Kalends, Nones, and Ides.

THE Method the *Romans* reckoned the Days of their Months was by the Kalends, Nones, and Ides. *Romulus* begun his Months always upon the first Day of the Moon, and was followed in this by the Authors of the other Accounts, to avoid the altering of the immoveable Feasts. Therefore every new Moon, one of the inferior Priests used to assemble the People in the Capitol, and call over as many Days as there were between that and the Nones: And so from the old Word *Calo*, or the Greek καλεσθαι, to call, the first of these Days had the Name of *Kalendæ*. But we must remember,

member, that this Custom of calling the Days continued no longer than the Year of the City 450, when *C. Flavius*, the *Curule Aedile*, ordered the *Fasti*, or *Kalendar*, to be set up in public Places, that every Body might know the Difference of Times, and the Return of the *Festivals* (a).

The *Nones* were so called, because they reckoned nine Days from them to the *Ides*.

The *Ides* were generally about the Middle of the Month; and we may derive the Word from *Iduare*, an obsolete Verb, signifying to divide.

The *Calends* were always fixed to the first Day of every Month; but the *Nones* and the *Ides* in four Months were on different Days than in the other eight. For *March*, *May*, *July*, and *October* had six *Nones* a-piece; the other only four. Therefore in the first, the *Nones* were the 7th, and the *Ides* the 15th; in the last, the *Nones* the 5th, and the *Ides* the 13th.

In reckoning these, they always went backwards, thus: *January 1*, was the *first of the Kalends of January*: *December 31*, *Prid. Kal. Jan. Decem. 30*. the third *Kal. Jan.* And so on to the 13th; and that was *Idus Decembris*; and then the 12th *Prid. Iduum Decemb.* the 11th, 3 *Iduum Decemb.* And so on to the 5th Day, and that was *Nonæ Decemb.* And then again the 4th *Prid. Nonarum Decemb.* the third 3 *Non. Decemb.* the second 4 *Non. Decemb.* and the first *Kalendaæ Decemb.*

We must observe, That when we meet with *Kalendas*, *Nonas*, or *Idus*, in the Accusative Case, the Preposition *ante* is always understood: As *tertio Kalendas*, *Idus*, or *Nonas* is the same as *tertio die ante Kal. Non. or Idus*.

(a) *Liv. lib. 5. cap. 46, &c.*

## C H A P. XII.

*The most remarkable Festivals of the ROMANS, as they stand in the Kalendar.*

**T**HE Kalends, or the first Day of *January*, was noted for the entering of the Magistrates on their Office; and for the wishing of good Fortune, and sending Presents to one another among Friends (a).

(a) *Ovid. Fast. 1. v. 71.*

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The Ninth (or *quint. Id.*) was the Feast of the *Agonalia*, instituted by *Numa Pompilius*, in Honour of *Janus*, and attended with the *agmina*, the solemn Exercises and Combats; whence, in *Ovid's Judgment* (*a*), it took its Name.

The Eleventh (or *tert. Id.*) was the Feast of the *Carmen-talia*, in Memory of *Carmenta*, *Evander's Mother*.

*February the Fifteenth, or the Fifteenth of the Kalends of March*, was the Feast of *Lupercalia*, when the *Luperci* made their wild Procession (*b*) which has been described before.

*February the Eleventh, or the third of the Ides*, was the *Feralia*, or Feast in Honour of the Ghosts; when People carried some little Sort of Offering to the Graves of their deceased Friends. *Ovid* gives the following beautiful Account of it.

*Est honor & tumulis; animas placare paternas (*c*),  
Parvaque in extructas munera ferre pyras:  
Parva petunt manes: pietas pro divite grata est  
Munere; non aviuss Styx habet ima Doss.  
Tegula porrectis satis est velata coronis;  
Et sparsæ fruges, parvaque mica salis,*

Tombs have their Honours too: Our Parents crave  
Some slender Present to adorn their Grave.

Slender the Present which the Ghosts we owe;  
Those Powers observe not what we give, but how: }  
No greedy Souls disturb the happy Seats below.  
They only ask a Tile with Garlands crown'd,  
And Fruit and Salt to scatter on the Ground.

The Day after the *Feralia*, was the *Charifia*, or Festival of Love, when all the Relations in every Family met together and had a Feast.

On the 22d or 23d, (according to the different Length of this Month), were the *Terminalia*, sacred to *Terminus*, the Guardian of Boundaries and Land-marks; on which they now offered to him Cakes and Fruits, sometimes Sheep and Swine, notwithstanding the antient Prohibition of bloody Sacrifices in this Case: the Reason of which Prohibition *Plutarch* (*d*)

(*a*) *Ovid. Fast.* lib. 1. (*b*) *Ovid. Fast.* 2. v. 267, &c. (*c*) *Ibid.* 533, &c.

(*d*) *Quint. R.m.*

supposes to have been, lest they should violate the Tokens of Peace and Agreement, by staining them with Blood.

The *Kalends of March* was the *Matronalia*, a Feast kept by the Roman Matrons to the Honour of *Mars*; to whom they thought themselves obliged for the Happiness of bearing good Children; a Favour which he first conferred on his own Mistress *Rhea* (*a*).

This Feast was the Subject of *Horace's Ode*.

*Martii cœlēbs quid agam Calendis, &c.*

On the same Day began the solemn Feast of the *Sali*, and their Procession with the *Ancylia*, which have been spoken of before.

The *Ides of March* was the Feast of *Anna Perenna*; in Honour either of the Sister of *Dido*, who fled into *Italy* to *Æneas*; or of one *Anna* an old Woman, that in a great Dearth at *Rome*, for some Time furnished the common People with Corn out of her own Store. The Celebration of this Day consisted in Drinking and Feasting largely among Friends. The common People met for this Purpose in the Fields near the *Tiber*, and building themselves Booths and Arbors, kept the Day with all Manner of Sports and Festivity; wishing one another to live as they drank Cups (*b*).

The same Day was by a Decree of Senate ordered to be called *Parricidium*, for the Murder of *Julius Cæsar*, which happened on it (*c*). *Appian*, in his second Book, tells us of a very different Law that *Dolabella* the Consul would have preferred upon this Occasion; and that was, to have the Day called ever after, *Natalis urbis* (the Birth-day of the City); as if their Liberty had revived upon the Death of *Cæsar*.

*March 19th*, or the 14th of the *Kalends of April*, began the *Quinquatrus* or *Quinquatria*, the Feast of *Minerva*, continuing five Days. During this Solemnity the Boys and Girls prayed to the Goddess for Wisdom and Learning, of which she had the Patronage: To which *Custom Juvenal* alludes:

*Eloquium & famam Demosthenis aut Ciceronis  
Incipit optare, & tuis Quinquatribus optat (*d*).*

(*a*) *Ovid. Fast. 3. v. 233.* (*b*) *Ibid. v. 523, &c.* (*c*) *Sueton, in Jul. cap. 88.*  
(*d*) *Sat. 10.*

To rival Tully or Demosthenes,  
Begins to wish in the Quinquatrian Days,  
And wishes all the Feast——

At the same Time the Youths carried their Masters their Fee, or Present, termed *Minerval*.

*April* the 19th, or the 13th of the Kalends of *May*, was the *Cerealia*, or Feast of *Ceres*, in which Solemnity the chief Actors were the Women. No Person that mourned was allowed to bear a Part in this Service; and therefore it is very remarkable, that upon the Defeat of *Cannæ*, there was such an universal Grief in the City, that the Anniversary Feast of *Ceres* was forced to be omitted (*a*).

*April* the 21st, or the eleventh of the Kalends of *May*, was the *Palilia*, or Feast of *Pales*, Goddess of Shepherds. This is sometimes called *Parilia*, à *pariendo*, because Prayers were then made for the Fruitfulness of the Sheep. *Ovid* tells us a very tedious Course of Superstition that the Shepherds run through upon this Day. They always contrived to have a great Feast at Night; and when most of them were pretty merry, they concluded all with dancing over the Fires that they made in the Field with Heaps of Stubble (*b*).

The same Day was called *Urbis Natalis*, being the Day on which the City was built (*c*).

*April* the 25th, or the 7th of the Kalends of *May*, was the *Robigalia*, a Feast of the Goddess *Robigo*, or the God *Robigus*, who took Care to keep off the Mildew and Blasting from the Corn and Fruit (*d*).

*April* 29th, or the 5th of the Kalends of *May*, was the *Floralia*, or Feast of *Flora*, Goddess of Flowers (*e*), when the public Sports were celebrated that will be hereafter described (*f*).

In the remaining Part of the Year we meet with no Festival of extraordinary Note, except the *Poplifugium* and the *Saturnalia*.

The Original of the famous *Nonæ Caprotinæ*, or *Poplifugium*, is doubly related by *Plutarch*, according to the two common Opinions. First, because *Romulus* disappeared on that Day, when an Assembly being held in the *Palus Caprea*,

(*a*) *Liv.* lib. 22. (*b*) *Ovid Fast.* 4. v. 721. &c. (*c*) *Ibid.* v. 806. (*d*) *Ibid.* v. 901. (*e*) *Ibid.* v. 943. (*f*) See Book V. c. 7.

or *Goats-marsh*, on a sudden happened a most wonderful Tempest, accompanied with terrible Thunder, and other unusual Disorders in the Air. The common People all fled away to secure themselves; but after the Tempest was over, could never find their King (*a*).

Or else from *Caprificus*, a wild Fig-Tree; because in the *Gallic War* a *Roman Virgin*, who was Prisoner in the Enemies Camp, taking the Opportunity when she saw them one Night in a Disorder, got up into a wild Fig-Tree, and holding out a lighted Torch towards the City, gave the *Romans* a Signal to fall on; which they did with such good Success as to obtain a considerable Victory (*b*).

The Original of the *Saturnalia*, as to the Time, is unknown; *Macrobius* assuring us, that it was celebrated in *Italy* long before the building of *Rome* (*c*). The Story of *Saturn*, in whose Honour it was kept, every Body is acquainted with. As to the Manner of the Solemnity, besides the Sacrifices and other Parts of Public Worship, there were several lesser Observations worth our Notice. As first, the Liberty now allowed to Servants to be free and merry with their Masters, so often alluded to in Authors. It is probable this was done in Memory of the Liberty enjoyed in the Golden Age under *Saturn*, before the Names of Servant and Master were known to the World. Besides this, they sent Presents to one another among Friends: No War was to be proclaimed, and no Offender executed: The Schools kept a Vacation, and nothing but Mirth and Freedom was to be met with in the City. They kept at first only one Day, the 14th of the Kalends of *January*: But the Number was afterwards encreased to three, four, five, and, some say, seven Days (*d*).

(*a*) *Plutarch in Romulus.* (*b*) *Plutarch. in Romulo. &c in Camille.* (*c*) *Macrobius. Saturn. lib. 1. cap. 1.* (*d*) *Ibid. Saturnal. lib. 1. cap. 3.*

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## PART II. BOOK III.

*Of the Civil Government of the Romans.*



### C H A P. I.

*Of the General Division of the People.*

ROMULUS as soon as his City was tolerably well filled with Inhabitants, made a Distinction of the People according to Honour and Quality; giving the better Sort the Name of *Patres*, or *Patricii*, and the rest the common Title of *Plebei*. To bind the two Degrees more firmly together, he recommended to the *Patricians* some of the *Plebeians* to protect and countenance; the former being styled *Patroni*, and the latter *Cientes*. The *Patrons* were always their *Clients* Counsellors in difficult Cases, their Advocates in Judgments; in short, their Advisers and Overseers in all Affairs whatever. On the other Hand, the *Clients* faithfully served their *Patrons*, not only paying them all imaginable Respect and Deference, but if Occasion required, assisting them with Money towards the defraying of any extraordinary Charges. But afterwards, when the State grew rich and great, though all other good Offices continued between them, yet it was thought dishonourable for the better Sort to take any Money of their Inferiors (a).

(a) *Vide Dionys. lib. 2. Liv. b. 1. Plutarch. in Romulo.*

The Division of the People into the three distinct Orders of *Senators*, *Knights*, and *Commons*, took its Rise about the Time of Tarquin's Expulsion. The *Senators* were such Persons as had been promoted to sit in the supreme Council of State, either out of the *Nobility* or *Commons*. If out of the latter Order, they had the Honour of a Gold Ring, but not of a Horse kept at the public Charge, as *Manutius* hath observed. The *Knights* were such Persons as were allowed a Gold Ring and a Horse at the public Charge. The *Commons* were all the rest of the People, besides these two Orders, including not only the inferior Populace, but such of the Nobility as had not yet been elected *Senators*, and such of the Gentry as had not a compleat Knight's Estate: For Persons were admitted into the two higher Ranks according to their Fortunes; one that was worth eight hundred *Sestertia*, was capable of being chosen *Senator*; one that had four hundred, might be taken into the *Equestrian* Order. *Augustus* afterwards altered the *Senatorian* Estate to twelve hundred *Sestertes*; but the *Equestrian* continued the same.

The three common Terms by which the Knights are mentioned in Roman Authors, are *Eques*, *Equestris ordinis*, and *Equestris loco natus*. Of which the two former are, in all Respects, the very same. But the latter is properly applicable to those *Equites*, whose Fathers were of the same Order, but never attained the Senatorian Dignity: For if their Fathers had been *Senators*, they would have been said to have been born of the Senatorian, and not of the Equestrian Rank (a).

When we find the *Optimates* and the *Populares* opposed in Authors, we must suppose the former to have been those Persons, of what Rank soever, who stood up for the Dignity of the chief Magistrates, and the rigorous Grandeur of the State; and who cared not if the inferior Members suffered for the Advancement of the commanding Powers. The latter we must take likewise for those Persons, of what Rank soever, who courted the Favour of the *Commons*, by encouraging them to sue for greater Privileges, and to bring Things nearer to a Level. For it would be unreasonable to make the same Distinction between these Parties, as *Sigonius* and others lay down, "That the *Populares* were those who endeavoured by their Words and Actions to ingratiate themselves with the Multitude; and the *Optimates* those who so behaved themselves in all Af-

(a) *Vid. P. Manut. de Civ. Rom. p. 5.*

" fairs,

fairs, as to make their “Conduct approved by every good ‘‘ Man.” This Explication agrees much better with the Sound of the Words, than with the Sense of the Things. For at this Rate, the *Optimates* and the *Populares* will be only other Terms for the Virtuous and the Vicious; and it would be equally hard in such large Divisions of Men, to acknowledge one Side to have been wholly honest, and to affirm the other to have been entirely wicked. I know that this Opinion is built on the Authority of *Cicero*; but if we look on him, not only as a prejudiced Person, but also as an Orator, we shall not wonder, that in distinguishing the two Parties, he gave so infamous a Mark to the Enemy’s Side, and so honourable a one to his own. Otherwise, the Murderers of *Cæsar* (who were the *Optimates*), must pass for Men of the highest Probity; and the Followers of *Augustus*, (who were of the opposite Faction) must seem in general a Pack of profligate Knaves. It would therefore be a much more moderate Judgment, to found the Difference rather on Policy, than on Morality; rather on the Principles of Government, than of Religion and private Duty.

There was another common Division of the People into *Nobiles*, *Novi*, and *Ignobiles*, taken from the Right of using Pictures, or Statues; an Honour only allowed to such whose Ancestors, or themselves had born some *Curule* Office, that is, had been *Curule Aedile*, *Censor*, *Prætor*, or *Censul*. He that had the Pictures or Statues of his Ancestors, was termed *Nobilis*; he that had only his own, *Novus*; and he that had neither, *Ignobilis*. So that *Jus imaginis* was much the same Thing among them, as the Right of bearing a Coat of Arms among us; and their *Novus Homo* is equivalent to our upstart Gentleman.

For a great while, none but the *Patricii* were *Nobiles*, because no Person, unless of that superior Rank, could bear any *Curule* Office. Hence in many Places of *Italy*, *Salust*, and other Authors, we find *Nobilitas* used for the *Patrician* Order, and so opposed to *Plebs*. But in After-times, when the Commons obtained a Right of enjoying those *Curule* Honours, they by the same Means procured the Title of *Nobiles*, and left it to their Posterity (a).

Such Persons as were free of the City, are generally distinguished into *Ingenui*, *Liberti*, and *Libertini*. The *Ingenui* were such as had been born free, and of Parents that had been always free. *Liberti*, such as had been actually made free themselves.

(a) *Vid. Sigon. de Jur. Civ. Rom. lib. 2 cap. 20.*

The two common Ways of conferring Freedom, were by *Testament*, and by *Manumission*. A Slave was said to be free by *Testament*, when his Master, in Consideration of his faithful Service, had left him free in his last Will: Of which Custom we meet with Abundance of Examples in Historians.

These Kind of *Liberti* had the Title of *Orcini*, because their Masters were gone to *Orcus*. In Allusion to which Custom, when, after the Murder of *Julius Cæsar*, a great Number of unworthy Persons had thrust themselves into the Senate, without any just Pretensions, they were merrily distinguished by the Term of *Senatores Orcini* (a).

The Ceremony of *Manumission* was thus performed: The Slave was brought before the *Consul*, and in After-times before the *Prætor*, by his Master, who laying his Hand upon his Servant's Head, said to the *Prætor*, *Hunc h̄iminem liberum esse volo ē manu emittere*. Then the *Prætor* laying a Rod upon his Head, called *Vindicta*, said, *Dico eum liberum esse more Quiritum*. Hence *Persius*,

*Vindicta postquam meus à Prætore receffi.*

After this the *Lictor* taking the Rod out of the *Prætor's* Hand, struck the Servant several Blows on the Head, Face, and Back; and nothing now remained but *Pileo dñari*, to receive a Cap in Token of Liberty, and to have his Name entered in the common Roll of Freemen, with the Reason of his obtaining that Favour.

There was a third Way of bestowing Freedom, which we do not so often meet with in Authors; it was when a Slave by the Consent and Approbation of his Master, got his Name to be inserted in the *Consul's* Roll: Such a Man was called *liber censu*; as the two already mentioned were *liber testamenti*, and *liber manumissioni*.

(a) *Sueton.* in *Cæsar.* cap. 35.

## C H A P. II.

## Of the S E N A T E.

**T**H E Chief Council of State, and, as it were, the Body of Magistrates, was the *Senate*; which as it has been generally reckoned the Foundation and Support of the Roman Greatness, so it was one of the earliest Constitutions in the Republic: For *Romulus* first chose a hundred Persons of the best Repute for Birth, Wisdom, and Integrity of Manners to assist him in the Management of Affairs, with the Name of *Senatores*, or *Patres*, from their Age and Gravity; (*vel aetate, vel curæ similitudine Patres appellabantur*, says *Sallust*;) a Title as honourable, and yet as little subject to Envy, as could possibly have been pitched upon. After the Admission of the *Sabines* into *Rome*, an equal Number of that Nation were joined to the former Hundred (a). And *Tarquinius Priscus*, upon his first Accession to the Crown, to ingratiate himself with the Commons, ordered another Hundred to be selected out of that Body, for an Addition to the *Senate* (b), which before had been filled with Persons of the higher Ranks. *Sylla* the *Dictator* made them up above four hundred; *Julius Cæsar* nine hundred; and in the Time of the second *Triumvirate*, they were above a thousand; no Distinction being made with Respect to Merit or Quality. But this Disorder was afterwards rectified by *Augustus*, and a Reformation made in the *Senate*, according to the old Constitution (c).

The Right of naming *Senators* belonged at first to the Kings; afterwards the *Consuls* chose, and referred them to the People for their Approbation: But at last, the *Consuls* engrossed the whole Privilege of conferring this Honour. He that stood first in the *Censor's Roll*, had the honourable Title of *Princeps Senatus* (d): Yet the chief Magistrates, as the *Consuls*, *Dictator*, &c. were always his Superiors in the House.

Besides the Estate of eight hundred, or, after *Augustus*, of twelve hundred *Sestertia*, no Person was capable of this Dignity, but one that had already born some Magistracy in the Commonwealth. And that there was a certain Age

(a) *Dionys. lib. 2.* (b) *Idem, lib. 3.* (c) *Sueton. in Aug. cap. 35.* (d) *Fid. & Cels. lib. 3. cap. 18.*

(even in latter Times) required, is plain from the frequent Use of *Ætas Senatoria* in Authors. *Dion Cassius* positively limits it to five and twenty (*a*), which was the soonest Time any one could have discharged the *Quæstorship*, the first Office of any considerable Note: Yet we meet with many Persons promoted to this Order, without any Consideration had to their Years; as it usually happened in all other Honours whatever.

As to the general Title of *Patres Censcripti* given them in Authors, it was taken up as a Mark of Distinction, proper to those Senators who were added to *Romulus's Hundred*, either by *Tarquinius Priscus*, or by the People upon the Establishment of the Commonwealth: But in After-times, all the Number were promiscuously styled *Patres*, and *Patres Censcripti* (*b*).

We may take a farther View of the Senators, considered all together as a Council or Body.

The Magistrates, who had the Power of assembling the Senators, were only the *Dictator*, the *Consuls*, the *Prætors*, the *Tribunes* of the Commons, and the *Interrex*. Yet upon extraordinary Occasions, the same Privilege was allowed to the *Tribuni Militum invested with Consular Power*, and to the *Decemviri*, created for the regulating the Laws; and the other Magistrates chosen upon some unusual Occasions. In the first Times of the State, they were called together by a public Crier; but when the City grew larger, an Edict was published to command their Meeting (*c*).

The Places where they assembled were only such as had been formerly consecrated by the *Augurs*, and most commonly within the City; only they made Use of the Temple of *Bellona* without the Walls, for giving Audience to foreign Ambassadors, and to such Provincial Magistrates as were to be heard in open *Senate*, before they entered the City; as when they petitioned for a Triumph, and the like Cases. *Pliny* too has a very remarkable Observation, that whenever the *Augurs* reported that *an Ox had spoke*, which we often meet with among the antient Prodigies, the *Senate* were presently to sit *sub Dio*, or in the open Air (*d*).

As to the Time of their Sitting, we must have Recourse to the common Distinction of *Senatus legitimus*, and *Senatus indicatus*.

The former was when the *Senate* met of Course, upon such Days as the Laws or Custom obliged them to. These were

(*a*) *Liv.* 52. (*b*) *Vid. P. Manut. de Senat. &c. C. Sigon. de Antiq. Jur. C. R.*  
(*c*) *P. Manut. de Senat. Rem.* (*d*) *Plin. Nat. Hist. lib. 8. cap. 45.*

the *Kalends*, *Nones*, and *Ides* in every Month, till the Time of *Augustus*, who confined them to the *Kalends* and *Ides*. In the Months of *September* and *October*, by an Order of the same Emperor, the *Senators* were discharged from their necessary Attendance; except so many of them as made a *Quorum*, or Number sufficient, by Law, to dispatch Business: And therefore all that Time they drew *Lots* for their *Appearance*, or *Excuse*; as *Suetonius* informs us (*a*). We may observe from the same Author, that the *Ides* of *March* (called *Parricidium*, from the Murder of *Julius Cæsar* which happened on it) was particularly excepted; and a Decree passed, that the Senate should never meet on that Day for the future (*b*).

*Senatus Indictus*, was a *Senate* called for the Dispatch of any Business upon any other Day; except the *Dies Comitiales*, when the *Senators* were obliged to be present at the *Comitia*.

As soon as the *Senate* met, the *Censu*l, or other supreme Magistrate, in the first Place performed some divine Service, and then proposed the Business to the House: Both which Actions they called *referre ad Senatum* (*c*).

When he had opened the Cause, he went round in Order (beginning with the *Principis Senatus*, and the *D̄signi Consuls*) and asked every Body's Opinion: upon which, all that pleased, stood up, and gave their Judgment upon the Point.

It is very remarkable, that when any *Senator* was asked his Opinion, he had the Privilege of speaking as long as he pleased, as well about other Concerns as about the Matter in Hand: And therefore when any particular Member had a Design to hinder the passing of any Decree, it was a common Practice to protract his Speech, till it was too late to make any Determination in the House.

When as many as thought fit had given their Judgments at large, the supreme Magistrate made a short Report of their several Opinions; and then, in Order to pass their Decree, ordered the *Senators* to divide, one Party to one Side of the House, and the opposite to the other. The Number being now told, the major Part determin'd the Case; and a *Senatus-Consultum* was accordingly wrote by the public Notaries at the Feet of the chief Magistrate, being subscribed by the principal Members that promoted it.

But in Cases of little Concern, or such as required no Deliberation, the Formality of asking Opinions and debating the Business was laid aside, and a Decree passed upon the Spot, without the Counting the Numbers on either Side.

(*a*) *In Octav. cap. 35.*      (*b*) *Ibidem in Jul. Cap. 63.*      (*c*) *de Senat. Rom.*

This was called *Senatus-Consultum per discessiōnem factūm*; the former simply *Senatus-consultum* (*a*).

*Julius Capitoianus* speaks of a Sort of *Senatus-consultū*, not described by any other Author; which he calls *Senatus-consultū tacita*; and tells us they were made in Reference to Affairs of great Secrecy, without the Admittance of the very public Servants; but all the Business was done by the Senators themselves, after passing an Oath of Secrecy, till their Design should be effected (*b*).

There were several Things that might hinder the passing of a Decree in the Senate; as in Case of an *Intercessio*, or Interposing. This was commonly put in Practice by the *Tribunes* of the Commons, who reckoned it their Privilege: But it might be done too, by any Magistrate of equal Authority with him that proposed the Business to the House: Or else when the Number required by Law for passing any Bill was not present: For that there was such a fixed Number is evident, though nothing of Certainty can be determined concerning it.

In both these Cases, the Opinion of the major Part of the Senators was not called *Senatus-Consultum*, but *Auctoritas Senatus*; their Judgment, not their Command; and signified little, unless it was afterwards ratified, and turned into a *Senatus-Consultum*, as usually happened (*c*). Yet we must not take *Auctoritas Senatus* in this Sense, every Time we meet with it in Authors: For unless, at the same Time, there be mention made of an *Intercessio*, it is generally to be understood, as another Term for a *Senatus-Consultum*; and so *Tully* frequently uses it: Sometimes both the Names are joined together; as the usual Inscription of the Decrees, was in these Initial Letters; S. C. A. i e. *Senatus-Consulti-Auctoritas*.

Besides these two Impediments, a Decree of Senate could not pass after Sun-set, but was deferred till another Meeting.

From the Building of the City to the Year 304, the written Decrees were in the Custody of the *Consul*, who might dispose of them as he thought proper, and either suppress or preserve them: But then a Law passed, that they should be carried for the future to the *Ædiles Plebis*, to be laid up in the Temple of *Ceres* (*d*): Yet we find, that afterwards they were for the most Part preserved in the public Treasury (*e*).

It may be farther observed, that besides the proper Senators, any Magistrates might come into the House during their

(*a*) *P. Manut. de Sen.*      (*b*) *Jul. Capit. in Gordian.*      (*c*) *P. Manut. de Sen.*  
     (*d*) *Liv. lib. 3.*      (*e*) *Iude Cicer. Philp. 5. Sueton. in August. Tacit. Annal. 3.*

Honour, and they who had born any *Curule* Office, after its Expiration. But then none of those who came into the House purely upon Account of their Magistracy, were allowed the Privilege of giving their Judgments upon any Matter, or being numbered among the Persons who had Votes. Yet they tacitly expressed their Mind by going over to those *Senators* whose Opinions they embraced; and upon this Account they had the Name of *Senatores Pedarii*.

This gave Occasion to the Joke of *Laberius the Mimic*,

*Caput sine lingua pedaria sententia est.*

There was an old Custom too, in the Commonwealth, that the Sons of *Senators* might come into the House, and hear the Proceedings. This, after it had been abrogated by a Law, and long disused, was at last revived by *Augustus*, who in Order to bring in the young Noblemen sooner to the Management of Affairs, ordered that any *Senator's* Son, at the Time of his putting on the *Toga Virilis*, shewd have the Privilege of using the *Latus Clavus*, and of coming into the Senate (a).

(a) *Sueton. in August. cap. 38.*

### C H A P. III.

#### *Of the general Divisions of the Magistrates; and of the Candidates for Offices.*

NOT to speak of the different Forms of Government which obtained among the Romans, or to decide the Case of Pre-eminency between them, we may in the next Place take a short View of the chief Magistrates under them all. Of these we meet with many general Divisions; as in Respect of Time, *Magistratus ordinarii* and *extraordinarii*; with Reference to the Persons, *Patricii*, *Plebeii*, and *Mixti*; from their Quality, *Majores* and *Minores*; from their Manner of appearing in public, *Curules*, and *Non Curules*; and lastly, from the Place of their Residence, *Urbani*, and *Provinciales* (a). If we would take the clearest and most compendious Method, we must rank them according to the last Distinction, and describe in Order the most remarkable of the Civil Offices at Home and Abroad. But it will be expected, that we first give some Account of the Persons that stood Candidates for these Honours. They borrowed the Name

(a) *Iul. de Magistrat. cap. 17.*

of *Candidati* from the *Toga Candida*, in which they were habited at the Time of their appearing for a Place. They wore this loose Gown open and ungirded, without any close Garment under it; which some interpret as done with Design to avoid any Suspicion the People might have of Bribery and Corruption: But *Plutarch* (a) thinks it was either to promote their Interest the better, by suing in such an humble Habit; or that such as had received Wounds in the Service of their Country, might the more easily demonstrate those Tokens of their Courage and Fidelity; a very powerful Way of moving the Affections of the People. But he disallows the Reason above-mentioned, because this Custom prevailed in *Some* many Ages before Gifts and Presents had any Influence on the public Suffrages; a Mischief to which he attributes, in a great Measure, the Ruin of the Commonwealth.

They declared their Pretensions generally about a Year before the Election; all which Time was spent in gaining and securing Friends. For this Purpose, they used all the Arts of Popularity, making their Circuits round the City very often; whence the Phrase, *Ambire Magistratum*, had its Rise. In their Walks, they took the meanest Persons by the Hands; and not only used the more familiar Terms of Father, Brother, Friend, and the like, but called them by their own proper Names. In this Service, they had usually a *Mentor*, or *Monitor*, to assist them; who whispered every Body's Name in their Ears. For though *Plutarch* tells us of a Law which forbade any Candidate to make use of a *Prompter*; yet at the same time he observes, that *Cato the Younger* was the only Person who conformed to it, discharging the whole Business by the Help of his own Memory (b).

They had Reason to be very nice and cautious in the whole Method of their Address and Canvass; for an Affront, or perhaps a Jest, put upon the most inconsiderable Fellow, who was Master of a Vote, might sometimes be so far resented by the Mob, as to turn the Election another Way. There is a particular Story told of *Scipio Nasica*, which may confirm this Remark: When he appeared for the Place of *Curule Aedile*; and was making his Circuit to increase his party, he lighted upon an honest, plain Countryman, who was come to Town, to give his Vote among the rest, and finding, as he shook him by the Hand, that the Flesh was very hard and callous, *Prythee, Friend*, (sa's he) *do'st use to walk upon thy Hands?* The Clown was so far from being pleased with

(a) *In Ciceron.*(b) *Plat. in Catone Utic.*

this Piece of Wit, that he complained of the Affront, and lost the Gentleman the Honour which he sued for.

Such Persons as openly favoured their Designs, have been distinguished by the Names of *Salutatores*, *Deduatores*, and *Sectatores* (a). The first Sort only paid their Compliments to them at their Lodgings in the Morning; and then took their Leave. The second waited upon them from thence, as far as the *Forum*. The last composed their Retinue through the whole Circuit. *Pliny* has obliged us with a further Remark, that not only the Person who stood for an Office, but sometimes too the most considerable Men of his Party, went about in the same formal Manner, to beg Voices in his Behalf: And therefore when he would let us know his great Diligence in promoting the Interest of one of his Friends, he makes use of the same Phrases which are commonly applied to the Candidates themselves; as, *Ambire domos*, *Prensare amicos*, *Circumire stationes* (b), &c.

The Proceedings in the Elections will fall more properly under the Account of the Assemblies where they were managed.

(a) *Rifin.* lib. 7. cap. 8.

(b) *Plin. Epist.* lib. 2. cap. 9.

## C H A P. IV. Of the CONSULS.

**T**HE Consular Office began upon the Expulsion of the *Tarquins*, in the Year of the City 244. There are several Derivations given of the Word; that of *Cicero*, à *Consulendo* (a), is generally followed. Their Power was at first the same as that of the Kings, only restrained by Plurality of Persons, and Shortness of Time: Therefore *Tully* calls it *Regium Imperium* (b), and *Regia Potestas* (c). In War they commanded in Chief over Citizens and Associates; nor were they less absolute in Peace, having the Government of the Senate itself, which they assembled or dismissed at their Pleasure. And though their Authority was very much impaired, first by the Tribunes of the People, and afterwards upon the Establishment of the Empire; yet they were still employed in consulting the Senate, administering Justice, managing public Games, and the like; and had the Honour to characterize the Year by their own Names.

At its first Institution this Honour was confined to the Nobility; but in the Year of the City 387, the Commons

(a) *Cicero de leg.* lib. 3. (b) *Ibid.* (c) *Idem de Petitione Consulatus.*

obtained

obtained the Privilege of having one of their own Body always an Associate in this Office. Sometimes indeed the Populace were so powerful, as to have both Consuls chose out of their Order; but generally speaking, one was a Nobleman, and the other a Commoner.

No Person was allowed to sue for this Office, unless he was present at the Election, and in a private Station; which gave occasion to the Civil War between *Pompey* and *Cæsar*; as has been already observed. The common Age required in the Candidates was forty-two Years. This *Cicero* himself acquaints us with, if we allow a little Scope to his Way of Speaking, when he says that *Alexander the Great*, dying in his thirty-third Year, came ten Years short of the Consular Age (*a*). But sometimes the People dispensed with this Law, and the Emperors took very little Notice of the Restraint.

The Time of the Consuls Government, before *Julius Cæsar*, was always a complete Year: But he brought up a Custom of substituting *Consuls* at any Time for a Month or more, according as he pleased. Yet the *Consuls*, who were admitted the first of *January*, denominated the Year, and had the Title of *Ordinarii*; the others being styled *Suffecti* (*b*).

The chief Ornaments and Marks of their Authority were the white Robe edged with Purple, called *Prætexta*; which in After-times they changed for the *Toga Palmata*, or *Picta*, before proper only to such Persons as had been honoured with a Triumph; and the twelve *Lictors*, who went before one of them one Month, and the other the next, carrying the *Fasces* and the *Securis*, which, though *Valerius Poplicola* took away from the *Fasces*, yet it was soon after added again.

Their Authority was equal; only in some smaller Matters, he had the Precedency, according to the *Valerian Law*, who was oldest; and he, according to the *Julian Law*, who had most Children.

(*a*) *Vid. Cicero. Philip.* 5.      (*b*) *Vide Dio. lib. 43. Sueton. in Julii, cap. 76, &c.*

## C H A P. V.

*Of the Dictator and his Master of Horse.*

**T**HE Office of *Dictator* was of very early Original: For the *Latins* entering into a Confederacy against *Rome* to support *Tarquin's* Cause after his Expulsion, the Senate were under great Apprehensions of Danger, by Reason of the Difficulty they found in procuring Levies to oppose them: While the poorer Commons, who had been forced to run themselves into Debt with the *Patricians*, absolutely refused to list themselves, unless an Order of Senate might pass for a general Remission. Now the Power of Life and Death being lately taken from the Consuls by the *Valerian Law*, and Liberty given for an Appeal from them to the People, they could not compel any Body to take up Arms. Upon this Account they found it necessary to create a Magistrate, who for six Months should rule with absolute Authority even above the Laws themselves. The first Person chosen to this Honour, was *Titus Largius Flavius*, about *A. U. C.* 253, or 255 (*a*).

This supreme Officer was called *Dictator*, either because he was *dictus*, named of the Consul; or else from his dictating and commanding what should be done (*b*). Though we sometimes meet with the naming of a *Dictator* upon a smaller Account, as for holding the *Comitia* for the Election of Consuls, the Celebration of public Games, the fixing the *Nail* upon *Jove's* Temple, (which they called *clavum pangere*, and which was used in the Times of primitive Ignorance, to reckon the Number of the Years, and in the Times of latter Superstition, for the averting or driving away Pestilences and Seditions) and the like; yet the true and proper *Dictator* was he, who had been invested with this Honour upon the Occasion of a dangerous War, Sedition, or any such Emergency as required a sudden and absolute Command (*c*). And therefore he was not chosen with the usual Formalities, but only named in the Night, *vixit vice*, by the Consul (*d*), and confirmed by the Divination from Birds (*e*). The Time assigned for the Duration of this Office was never lengthened, except out of mere Necessity: And as for the perpetual *Dictatorships* of *Sylla* and *Julius Cæsar*, they are

(*a*) *Dionys. Antiq.* lib. 5. *Liv.* lib. 2. (*b*) *Ibid.* (*c*) *Lipf. de Magistrat.* cap. 17. (*d*) *L. v.* lib. 4. (*e*) *Cicer. de Leg.* lib. 3.

confessed to have been notorious Violations of the Laws of their Country. There were two other Confinements which the *Dictator* was obliged to observe. First, he was never to stir out of *Italy*, for Fear he should take Advantage of the Distance of the Place, to attempt any Thing against the common Liberty (a). Besides this, he was always to march on Foot; only upon Account of a tedious or sudden Expedition, he formally asked leave of the People to ride (b). But setting aside these Restraints, his Power was most absolute. He might proclaim War, levy Forces, lead them out, or disband them, without any Consultation had with the Senate: He could punish as he pleased; and from his Judgment lay no Appeal (c); at least not till in latter Times. To make the Authority of his Charge more awful, he had always twenty four Bundles of Rods, and as many Axes, carried before him in public, if we will believe *Plutarch* (d) and *Polybius* (e). Though *Livy* attributes the first Rise of this Custom to *Sylla* (f). Nor was he only invested with the joint Authority of both the *Consuls*; (whence the *Grecians* called him Δικτυρος or *Double Consul*;) but during his Administration, all other Magistrates ceased, except the Tribunes, and left the whole Government intrusted in his Hands (g).

This Office had the Repute to be the only Safeguard of the Commonwealth in Times of Danger, four hundred Years together: Till *Sylla* and *Cæsar* having converted it into a Tyranny, and rendered the very Name odious, upon the Murder of the latter, a Decree passed in the Senate, to forbid the Use of it upon any Account whatever for the future (h).

The first Thing the *Dictator* did, was to chuse a *Magister Equitum*, or Master of the Horse, (he himself being in ancient Times, by a more general Name termed *Magister Populi*), who was to be his Lieutenant General in the Army, but could act nothing without his express Order. Yet in the War with *Hannibal*, when the slow Proceeding of *Fabius Maximus* created a Suspicion in the Commons, they voted, that *Minutius*, his Master of the Horse, should have an equal Authority with *Fabius* himself, and be, as it were another *Dictator* (i). The like was afterwards practised in the same War upon the Defeat at *Cannæ*, when the Dictator, *M. Junius*, being with the Army, *Fabius Buteo* was chosen a second *Dictator* at *Rome*, to create new Senators for the

(a) *Diz. Hist.* lib. 36. (b) *Plut. in Fab. Max.* (c) *Disney. Antiq.* lib. 8. (d) *In Fab. Max.* (e) *Hist. lib. 3.* (f) *Epitom. lib. 89.* (g) *Plut. in Fab. Max.* (h) *Diz. lib. 44.* *Appian. lib. 3.* (i) *Plutarch. in Fab. Max.* *Polybius lib. 3.*

supplying of their Places who had been killed in the Battle: Though as soon as ever the Ceremony was over, he immediately laid down his Command, and acted as a private Person (a).

There was another Expedient used in Cases of extreme Emergency, much like this Custom of creating a *Dictator*; and that was, to invest the Consuls, and sometimes the other chief Magistrates, as the Praetors, Tribunes, &c. with an absolute and uncontrollable Power. This was performed by that short yet full Decree of the Senate, *Dent operam Consules, &c. ne quid Detrimenti capiat Respublica. Let the Consuls, &c. take care that the Commonwealth suffer no Damage.*

(a) *Plutarch ibid.*

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## C H A P. VI.

### Of the PRÆTORS.

**T**HE Original of this Office, instituted in the Year of the City 389, was owing to two Occasions: Partly because the *Consuls*, being very often wholly taken up with foreign Wars, found the Want of some Person to administer Justice in the City; and partly because the Nobility, having lost their Appropriation of the Consulship, were ambitious of procuring to themselves some new Honour in its Room (a). At the first, only one was created, taking his Name à *præcundo*; and for the same Reason most of the old Latins called their Commanders *Prætores*: And the *Consuls* are supposed to have used that Title at their first Institution. *A. U. C. 501.* another *Prætor* was added; and then one of them applied himself wholly to the preserving of Justice among the Citizens, with the Name of *Prætor Urbanus*, while the other appointed Judges in all Matters relating to Foreigners. But upon the taking in of Sicily and Sardinia, *A. U. C. 520*, two more *Prætors* were created, to assist the *Consuls* in the Government of the Provinces; and as many more upon the entire Conquest of Spain, *A. U. C. 551.* Sylla encreased the Number to eight; Julius Caesar first to ten, and then to sixteen; the second *Triumviri*, after an extravagant Manner, to sixty-four.

(a) *Vide Liv. lib. 7. circa Præcip.*

After

After this, sometimes we meet with twelve *Prætors*, sometimes sixteen or eighteen; but in the Declension of the Empire they fell as low again as three.

When the Number of the *Prætors* was thus increased, and the *Quæstiones*, or Enquiries into Crimes, made perpetual, and not committed to Officers chosen upon such Occasions, the *Prætor Urbanus* (and, as *Lipsius* thinks, the *Prætor Peregrinus*) undertook the Cognizance of private Causes, and the other *Prætors* that of Crimes. The latter therefore were sometimes called *Quæstores, quia quærebant de Crimine*; the first barely *jus dicebat*. Here we must observe the Difference between *jus dicere*, and *judicare*; the former relates to the *Prætor*, and signifies no more than the allowing an Action, and granting *Judices* for determining the Controversy; the other is the proper Office of the *Judices* allowed by the *Prætor*, and denotes the actual hearing and deciding of a Cause (a).

(a) *P. Manut. de legibus*, p. 826.

## CHAP. VI.

### Of the CENSORS.

**T**HE *Census*, or Survey of the Roman Citizens and their Estates (from *Censo*, to *rate*, or *value*) was introduced by *Servius Tullius*, the sixth King, but without the Assignment of any particular Officer to manage it: And therefore he took the Trouble upon himself, and made it a Part of the Regal Duty. Upon the Expulsion of the *Tarquins*, the Business fell to the *Consuls*, and continued in their Care, till their Dominions grew so large as to give them no Leisure for its Performance. Upon this Account, it was wholly omitted seventeen Years together, till A.U.C. 311, when they found the Necessity of a new Magistracy for that Employment, and thereupon created two *Censors*: Their Office was to continue five Years, because every fifth Year the general Survey of the People used to be performed: But when they grew to be the most considerable Persons in the State, for Fear they should abuse their Authority, A.U.C. 420, a Law passed, by which their Place was confined to a Year and a half; and therefore, for the future, though they were elected every five Years, yet they continued to hold the Honour no longer than the Time prefixed by that Law.

After

After the second *Punick War* they were always created out of such Persons as had been *Consuls*, though it sometimes happened otherwise before. Their Station was reckoned more honourable than the Consulship, though their Authority, in Matters of State, was not so considerable. And the Badges of the two Officers were the same; only that the *Censors* were not allowed the *Lictors* to walk before them, as the *Consuls* had.

*Lipsius* divides the Duty of the *Censors* into two Heads; the Survey of the People, and the Censure of Manners. As to the former, they took an exact Account of the Estates and Goods of every Person, and accordingly divided the People into their proper *Classes* and *Centuries*. Besides this, they took care of the public Taxes, and made Laws in Reference to them. They were Inspectors of the public Buildings and Ways, and defrayed the Charges of such Sacrifices as were made upon the common Account.

With Respect to the latter Part of their Office, they had the Power to punish an Immorality in any Person, of what Order soever. The *Senators* they might *expel* *the House*; which was done by omitting such *Senatus cœcere*. a Person, when they called over the Names.

The *Equites* they punished by *taking away Equum adimere*. *the Horse* allowed them at the public Charge.

The Commons they might either *remove* from *Tribu misvere*. a higher Tribe to a less honourable; or quite *disable* them to give their Votes in the Assemblies; or set a *Fine* upon them to be paid to the Treasury. And sometimes when a *Senator*, or *Eques*, had been guilty of any notorious Irregularity, he suffered two of these Punishments, or all three at once.

The greatest Part of the *Censor's* public Business was performed every fifth Year; when, after the Survey of the People, and Inquisition into their Manners, taken antiently in the *Forum*, and afterwards in the *Villa Publica*, the *Censors* made a solemn *Lustring*, or expiatory Sacrifice, in the Name of all the People. The Sacrifice consisted of a Sow, a Sheep, and a Bull, whence it took the Name of *Suovetaurilia*. The Ceremony of performing it they called *Lustrum condere*; and upon this Account the Space of five Years came to be signified by the Word *Luustum*.

In Cœritum  
Tabulas re-  
ferre, et æ-  
rrarium fa-  
cere.

It is very remarkable, that if one of the *Censors* died, no Body was substituted in his Room till the next *Lustrum*, and his Partner was obliged to quit his Office; because the Death of a *Censor* happened just before the sacking of *Rome* by the *Gauls*, and was ever after accounted highly ominous and unfortunate (a).

This Office continued no longer than to the Time of the Emperors, who performed the same Duty at their Pleasure: And the *Flavian Family*, i. e. *Vespasian* and his Sons, took a Pride (as Mr. *Walker* (?) observes) to be called *Censors*, and put this among their other Titles upon their Coins. *Decius* the Emperor entered on a Design of restoring the Honour to a particular Magistrate, as heretofore, but without Success (c).

(a) *Vide Liv. lib. 4. c. 9. Plut. Probl. 59.* (b) *of Coins and Medals.* (c) *Vide Trebell. Poll. in Decis.*

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## C H A P. VIII.

### Of the Q U Ä S T O R S.

**T**HE Original of the *Quæstors* (*à quærendo*, from getting in the Revenues of the State) *Dionysius* (a) and *Livy* (b) place about *A. U. C. 269*. *Phutarch* indeed, with some small Difference, refers their Institution to the Time of *Valerius Poplicola*, when he allotted the Temple of *Saturn* for the Treasury (to which Use it always served afterwards,) and granted the People the Liberty of choosing two young Men for the Treasurers (c). This was the whole Number at the Beginning: But afterwards, two others were created, *A. U. C. 332*, to take care of the Payment of the Armies abroad, of the selling Plunder and Booty, &c. For which Purpose they generally accompanied the *Consuls* in their Expeditions; and upon this Account were distinguished from the other *Quæstors*, by the Name of *Peregrini*, and gave them Occasion to assume the Title of *Urbani*. This Number continued till the entire Conquest of *Italy*; and then it was again doubled, *A. U. C. 459*. The four that were now added, had their Residence with the *Proconsuls* and *Proprætors* in the *Provinces*, where they employed themselves in regulating the Taxes and Customs due from thence to the State.

(a) *Lib. 8.* (b) *Lib. 3.* (c) *Plut. in Poplicol.*

*Sylla*

*Sylla the Dictator*, as *Tacitus* informs us (*a*), created twenty *Quæstors* to fill up the Senate; and *Dio* (*b*) mentions the creating of forty by *Julius Cæsar* upon the same Design.

The chief Offices of the *Quæstors* were the receiving, lodging, and attending Ambassadors; and keeping the Decrees of the Senate was appointed them by *Augustus* (*c*), which before had been under the Care of the *Aediles* and *Tribunes*.

From hence came the two Offices of *Quæstor Principis*, or *Augusti*, called sometimes *Candidatus Principis*, described by *Brissonius* (*d*), and resembling the Office of our Secretary of State; and *Quæstor Palatii*, instituted by *Constantine the Great*; answering in most Respects to our Lord Chancellor. Perhaps we ought not here to make a Distinction of Offices; the *Quæstors Candidati* being honoured by *Constantine* with the new Title of *Quæstors Palatii*, and admitted to greater Trust, and more important Business (*e*).

The *Quæstorship* was the first Office any Person could bear in the Commonwealth, and might be undertaken at the Age of twenty-four or twenty-five Years.

(*a*) *Annal.* lib. 1. (*b*) lib. 43. (*c*) *Dio*. lib. 54. (*d*) *Seleç. Antiquitat.* lib. 2. cap. 16. (*e*) *Vid. Notit. Dignitat. Imp. Orient.* c. 73.

## CHAP. IX.

### Of the Tribunes of the People.

THIS Office owes its Origin to a Quarrel between the Nobility and Commons, about A. U. C. 260; when the latter making a Defection, could not be reduced into Order, till they had obtained the Privilege of chusing some Magistrates out of their own Body, for the Defence of their Liberties, and to interpose in all Grievances and Impositions of their Superiors (*a*). At first only two were elected; but three more were soon added; and about A. U. C. 297, the Number was made up ten, which continued ever after.

Their Authority was extraordinary; for, tho' at first they pretended only to be a Sort of Protectors of the Commons, and Redressers of public Grievances, yet afterwards they usurped the Power of doing almost whatever they pleased, having the Populace to back and support them: And therefore they assembled the People, preferred Laws, made Decrees, and executed them on the Magistrates themselves; and

(*a*) *Vid. Dizysj.* lib. 6. *Liv.* lib. 2. &c.

sometimes commanded the very Consuls to be carried to Prison; and were the Authors of greater Animosities between the Nobles and Commons, than they were at first created to appease.

That which gained them the greatest Security, was their Repute of being *Sacrosancti*, which they confirmed by a Law: So that it was reckoned the highest Impiety to offer them the least Injury, or even interrupt them when they were speaking. Their interposing in Matters determined by the Senate, or other Magistrates, was called *Intercessio*, and was performed by standing up, and pronouncing only one Word, *VETO*.

As for the Ensigns of their Office, they had no *Prætexta*, *Lictors*, or *Curule Chair*; and only a Sort of Beadle, whom they called *Titular*, went before them.

*Sylla* the *Dicator* was the first who dared put a Stop to the Encroachments of the *Tribunes*; but they soon recovered their Power, till the Time of the Emperors, who left them very little but the Name and Shadow of Magistrates: This they effected by several Means, particularly by obliging the People to confer the same Power and Authority on themselves: Whence they were called *Tribunitiā Poteſtate donati*: For they could not be directly *Tribuni*, unless their Family had been *Plebeian*.

## C H A P. X.

### Of the *ÆDILES*.

THE Commons had no sooner prevailed with the Senate to confirm the Office of *Tribunes*, but they obtained farther the Privilege to chuse yearly, out of their own Body, two more Officers, to assist those Magistrates in the Discharge of some particular Services (*a*), the chief of which was the Care of public Edifices, whence they borrowed their Name. *Rosinus*, for Distinction's Sake, calls them *Ædiles Plebis*. Besides the Duty mentioned above, they had several other Employments of lesser Note; as to attend on the *Tribunes* of the People, and to judge some inferior Causes by their Deputation; to rectify the Weights and Measures, prohibit unlawful Games, and the like.

*A. U. C. 389*, two more *Ædiles* were elected out of the Nobility, to inspect the public Games (*b*). They were called *Ædiles Curules*, because they had the Honour of using the

(*a*) *Vid. Dionys. lib. 6.*

(*b*) *Liv. lib. 6. & 7.*

*Sella Curulis*; the Name of which is generally derived a *curru* (a), because they sat upon it as they rode in their Chariots; but *Lipfus* fancies it owes its Name, as well as its Invention, to the *Curetes*, a People of the *Sabines*.

The *Curule Aediles*, besides their proper Office, were to take care of the Building and Reparation of Temples, Theatres, Baths, and other noble Structures; and were appointed Judges in all Cases relating to the Selling or Exchanging of Estates.

*Julius Cæsar*, A. U. C. 710. added two more *Aediles* out of the Nobility, with the Title of *Aediles Cereales*, from *Ceres*; because their Business was to inspect the public Stores of Corn and other Provisions; to supervise all the Commodities exposed in the Markets, and to punish Delinquents in all Matters concerning buying and selling (b).

(a) Vide *A. Gell.* lib. 3. cap. 18. (b) Vide *Dio.* lib. 43. & *Pompon.* lib. 2. *F. de Orig. juris.*

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## C H A P. XI.

### Of the D E C E M V I R I.

**A**bout the Year of *Rome* 291, the People thinking themselves highly wronged, that though they had freed themselves from the Government of the Kings, yet the whole Decision of Equity and Justice should lie in the Breast of the supreme Magistrates, without any written Statute to direct them; proposed to the *Senate* by their *Tribunes*, that standing Laws might be made for the Government of the City. The Affair was in Suspense several Years; at last it was concluded to send Ambassadors to *Athens*, and other *Grecian* Cities, to make Collections from the best of their Constitutions for the Service of their Country in the new Design. Upon the Return of the Commissioners, the *Tribunes* claiming the Promise of the *Senate*, to allow them a new Magistracy for putting the Project in Execution, it was agreed, that ten Men out of the chief *Senators* should be elected: That their Power should be equal to that of the Kings, or *Consuls*, for a whole Year: And, that in the mean Time, all other Offices should cease. The *Decemviri* having now taken the Government upon them, agreed that only one of them should at any Time enjoy the *Fasces* and other *Consular* Ornaments, should assemble the *Senate*, confirm Decrees, and act in all Respects as supreme Magistrate. To

this Honour they were to succeed by Turns, till the Year was expired; and the rest were obliged to differ very little in their Habits from private Persons, to give the People the less Suspicion of Tyranny and absolute Government.

Having drawn up a Model from such Laws as had been brought from *Greece*, and the Customs of their own Country, they exposed it to the public View in ten Tables, Liberty being given for any Person to make Exceptions. Upon the general Approbation of the Citizens, a Decree passed for the Ratification of the new Laws, which was performed in the Presence of the Priests and *Augurs*, in a most solemn and religious Manner.

This Year being expired, a farther Continuance of this Office was voted necessary, because something seemed to be still wanting for perfecting of the Design. The *Decemviri*, who had procured themselves the Honour in the new Election, quickly abused their Authority; and under Pretence of reforming the Commonwealth, shewed themselves the greatest Violators of Justice and Honesty. Two more Tables indeed they added to the first, and so seemed to have answered the Intent of their Institution: Yet they not only kept their Office the remaining Part of that Year, but usurped it again the next, without any Regard to the Approbation of the *Senate*, or People. And though there was an Attempt made for putting a Stop to their Tyranny; yet they maintained their Power, till an Action of their chief Leader *Aripius* gave a final Ruin to their Authority: For he, falling in Love with *Virginia*, the Daughter of a *Plebeian*, and prosecuting his Passion by such unlawful Means, as to cause the killing of her by her own Father, (the Story of which is told at large by *Livy*), gave an Occasion to a Mutiny in the Army, and a general Dislike through the whole City; So that it was agreed in the *Senate*, to let the same Form of Government return, which was in Force at the Creation of the *Decemviri* (a).

(a) *Liv.* lib. 3. *Dionys.* lib. 8.

## C H A P. XII.

*Of the Tribunes of the Commons being invested with Consular Dignity and Power.*

UPON the Conclusion of the *Decemvirate*, the first *Consuls* that were elected, appearing much to favour the Commons, gained such an Ascendancy in the State, that within three Years, they had the Confidence to petition for the Privilege of being made capable of the Consulship, which had been hitherto denied them. The *Patricians* violently opposed this Request, having the appearance to ruin their Honour and Authority, and to bring all Persons, of whatever Quality, upon the same Level. But a War breaking out at the same Time in the Confederate Countries, which the *Romans* were obliged to assist, the *Consuls*, by Reason of the Dissentions upon this Account in the City, could not with all their Diligence procure any Levies to be made, because the *Tribunes* of the Commons opposed all their Orders, and would let no Soldiers be enlisted, until their Petition had been canvassed in the *Senate*. In this Exigency the *Fathers* were called together; and after the Affairs had been a long Time debated with great Heat and Tumult, at last formed this Expedient; that three Magistrates should be elected from each Order, who being invested with the whole *Consular* Power, at the End of the Year, it should be in the Power of the Senate and People to have that Office, or *Consuls* for the following Year.

Both Parties readily embraced this Proposal, and proceeded to an Election; where, though the whole Design had been only to increase the Honour of the Commons, yet when the Matter came to be put to the Vote, they chose none of that Order to the new Magistracy, but conferred the Honour on three of the most eminent *Patricians*, with the Title of *Tribuni Militum Consulari Potestate*, about *A. U. C. 310*.

The first *Tribunes* having held their Dignity no longer than seventy Days, were obliged to quit it, by Reason that the *Augurs* had discovered some Flaw in their Election, and so the Government returned to its former Course, the Supreme

Command resting in the Hands of the *Consuls* (a). Afterwards they were some Years chosen, and some Years passed by, having risen from three to six, and afterwards to eight, and the *Plebeians* being admitted to a Share in the Honour; till about A. U. C. 388, they were intirely laid aside.

(a) *Liv.* lib. 4. *Dionys.* lib. 11.

## C H A P. XIII.

### *Civil Officers of less Note, or of less frequent Occurrence in Authors, together with the public Servants.*

HERE are several Officers not yet mentioned, who deserve little more than to be named; some by Reason of their low Station in the Commonwealth, others because they are very seldom mentioned in our *Classics*. Among whom we may take notice of these that follow.

*Interrex*, the supreme Magistrate, who governed between the Death of one King, and the Election of another. This Office was taken by Turns by the *Senators*, continuing in the Hands of every Man five Days (a), or, if we may credit *Plutarch* (b), only twelve Hours at a Time. We sometimes meet with an *Interrex* under the *Consular* Government, created to hold Assemblies, when the ordinary Magistrates were either absent, or disabled to act by Reason of their undue Election.

*Tri'umus*, or *Præfetus Celerum*; the Captain of *Romulus*'s Life-Guard; which consisted of three hundred of the stoutest young Men, and of the best Families in the City, under the Name of *Celeres*, or Light-Horse. After the Expulsion of the Kings, the *Magister Equitum* held the same Place and Command under the *Dictators*, and the *Præfetus Prætoris* under the Emperors.

*Præfetus Urbis*; a Sort of Mayor of the City, created by *Augustus*, by the Advice of his Favourite *Mæcenas*, upon whom first he conferred that Honour (c). He was to precede all other City Magistrates, having Power to receive Appeals from the inferior Courts, and to decide almost all Causes within the Limits of *Rome*, or an hundred Miles

(a) *Dionys.* lib. 2. *Liv.* l. 1. (b) *In Numa.* (c) *Dio.* l. 52. *Tacit.* *Annal.* 4, 5.  
round.

round. Before this, there was sometimes a *Præfetus Urbis* created, when the Kings or greater Officers were absent from the City, to administer Justice in their Room (a).

*Præfetus Ærarii*: An Officer chose from such Persons as had discharged the Office of *Praetor*, by *Augustus*, to supervise and regulate the public Fund, which he raised for the Maintenance of the Army (b). This Project was revived by several of his Successors.

*Præfetus Prætorio*: Created by the same Emperor, to command the *Praetorian Cohorts*, or his Life-Guard, who borrowed their Name from the *Praetorium*, or General's Tent, all Commanders in Chief being antiquity stiled *Praetores*. His Office answered to that of the *Magister Equitum* under the old *Dictators*; only his Authority was of greater Extent, he being generally the highest Person in Favour with the Army. And therefore when the Soldiers once came to make their own Emperors, the Man they generally elected was the *Præfetus Prætorio*.

*Præfetus Frumenti*, and *Præfetus Vigilum*, both owe their Institution also to *Augustus*. The first was to inspect and regulate the Distribution of Corn among the common People. The other commanded in Chief all the Soldiers appointed for a constant Watch to the City, being a *Cohort* to every two *Regions*. His Business was to take Cognizance of Thieves, Incendiaries, Vagrants, and the like; and had the Power to punish all petty Misdemeanors which were thought too trivial to come under the Care of the *Præfetus Urbis*.

In many of these inferior Magistracies, several Persons were joined in the Commission together; and then they took their Name from the Number of Men that composed them. Of this Sort we meet with the

*Triumviri*, or *Tresviri Capitales*: The Keepers of the public Goal. They had the Power to punish Malefactors, like our Masters of the Houses of Correction; for which Service they kept eight *Lictors* under them; as may be learned from *Plautus*;

*Quid faciam nunc si Tresviri me in carcерem compegerent?*  
*Inde cras è promptuaria cella depromar ad flagrum:*  
*Ita quasi incudem me miserum oculis homines validi cœidunt!* (c).

*Triumviri Nocturni*: Mentioned by *Livy* (d) and *Tacitus* (e) instituted for the Prevention of Fires in the Night.

(a) *Ibid.* (b) *Diz.* l. 55. (c) *In Amphitir.* (d) *Lib.* 9. (e) *Annal.* lib. 5.

*Triumviri Monetales*: The Masters of the Mint: Sometimes their Names were wrote *Triumviri A. A. Æ. F. F.* standing for *Auro, Argento, Ære, Flando, Feriendo*.

*Quatuorviri Viarum curandarum*; Persons deputed by the *Censor* to supervise the public Ways.

*Centumviri*, and *Decemviri Litibus judicandis*; The first were a Body of Men chosen, three out of every Tribe, for the judging of such Matters as the *Prætors* committed to their Decision; which are enumerated by *Cicero* in his first Book *De Oratore*. The *Decemviri* seem to have been the principal Members of the *Centumvirate*, and to have presided over the *Prætor* in the *Judicia Centumviralia*. These were some of the first Steps to Preferment, for Persons of Parts and Industry; as was also the *Vigintiviratus*, mentioned by *Cicero*, *Tacitus*, and *Dion*; which, perhaps, was no more than a select Part of the *Centumviri*. The proper Sign of Authority, when these Judges acted, was setting up a *Spear* in the *Forum*.

*Scu trepidos ad jura decem citat basla virorum,  
Scu firmare jubet centeno judice causam.*

LUCAN.

The learned *Grævius* observes, that a *Spear* was the common Badge and Ensign of Power among the Antients, and therefore given to the Gods in their Statues, and to Kings and Princes till it was succeeded by the *Sceptre* (*a*). A *Spear* was likewise set up at the Collections of the Taxes by the *Censors*; and at all *Auctions*, public or private, to signify that they were done by a lawful Commission: Whence the Phrase, *Sub basla vendi*.

There were other Officers of as little Note, who had no fixed Authority, but were constituted upon some particular Occasions: Such as the

*Duumviri Perduellionis*, five *Capitales*, Officers created for Judging Traitors. They were first introduced by *Tullus Hostilius*, continued as often as Necessity required, under the rest of the Kings, and sometimes under the *Consular Government*, at its first Institution. But after they had been laid down many Years, as unnecessary, *Cicero*, in the latter Times of the Commonwealth, complains of their Revival by *Iulianus*, Tribune of the Commons (*b*).

*Quæstores*, or *Quæfitores Parricidii*, *vel Rerum Capitalium*; Magistrates chosen by the People to give Judgment in capital

(*a*) *Prefat. II. Tm. Thesaur. Antiq. R.m.*

(*b*) *Cicero Orat. pro C. Rabirio Perduellientis Rec.*

Cases,

Cases, after the *Consuls* were denied that Privilege, and before the *Quæstiones* were made perpetual.

The public Servants of the Magistrates had the common Name of *Apparitores*, from the Word *Appares*, because they always stood ready to execute their Masters Orders. Of these, the most remarkable were the

*Scribæ*; a Sort of public Notaries, who took an Account of all the Proceedings in the Courts: In some Measure too they resembled our Attornies, as they drew up the Writings which were produced before the Judges; *Notarius* and *Actuarius* signifying much the same Office.

*Accensi* and *Præcones*, the public Criers, who were to call Witnesses, signify the Adjournment of the Court, and the like. The former had the Name from *Accio*, and the other from *Præcico*. The *Præcones* seem to have had more Business assigned them than the *Accensi*; as, the proclaiming Things in the Street; the assisting at the public Sales, to declare how much every one bids: Whereas the *Accensi* more nearly attended on the Magistrates; and at the Bench of *Justice*, gave notice, every three Hours, what Time of the Day it was.

*Lictores*; the Serjeants, or Beadles, who carried the *Fasces* before the supreme Magistrates; as the *Interreges*, *Dicñtors*, *Consuls* and *Prætors*. Besides this, they were the public Executioners in Scourging and Beheading.

The *Lictors* were taken out of the common People; whereas the *Accensi* generally belonged to the Body of the *Libertini*, and sometimes to that of the *Liberti* (a).

The *Viciores* were little different from the former; only that they went before the Officers of less Dignity, and particularly before the *Tribunes* of the Commons.

In antient Times they were employed in calling the *Senators* from the Country, whence *Tully* in his *Cato Major* derives their Name; as if they were to attend about the Roads and Parks, and to collect an Assembly of Rural Fathers, who perhaps were then employed in driving their Cattle, or keeping their Sheep.

We must not forget the *Carnifex*, or common Hangman, whose Business lay only in Crucifixions. *Cicerø* observes concerning him; That by Reason of the Odiousness of his Office, he was particularly forbid by the Laws to have his Dwelling-House within the City (b).

(a) *Vid. Siger. de Antiq. Jur. Civ. Rom. lib. 2. cap. 15.* (b) *Cicer. pro Læbiti..*

## C H A P. XIV.

*Of the Provincial Magistrates; and first of the PROCONSULS.*

THE Chief of the Provincial Officers were the *Proconsuls*. Whether the Word ought to be written *Proconsul*, and declined, or *Proconsule*, and undeclined,

*Grammatici certant, & adhuc sub judice lis est.*

We may divide these Magistrates into four Sorts;

First, such as being *Consuls*, had their Office prolonged beyond the Time prefixed by Law.

Secondly, Such as were invested with this Honour, either for the Government of the Provinces, or the Command in War, who before were only in a private Station.

Thirdly, Such as immediately upon the Expiration of their *Consulship*, went *Proconsuls* into the Provinces, in the Time of the Commonwealth.

Fourthly, Such Governors, as in the Times of the Empire, were sent into those Provinces which fell to the Share of the People.

*Proconsuls* of the two former Sorts we meet with very rarely ; only *Livy* gives us an Example of each (*a*).

The third Kind more properly enjoyed the Name and Dignity, and therefore deserve to be described at large, with Reference to their Creation, Administration, and Return from their Command.

They were not appointed by the People ; but when at the *Comitia Centuriata* new *Consuls* were designed for the following Year, one of the present *Consuls* proposed to the Senate what Provinces they would declare *Consular*, and what *Praetorian*, to be divided among the *designated Consuls* and *Praetors*. According to their Determination, the *designated Consuls* or *Consuls elect*, presently agreed what Provinces to enter upon at the Expiration of their Office in the City, the Business being generally decided by casting Lots.

Afterwards, in the Time of their *Consulship*, they formerly got leave of the People to undertake the Military Command ; which could not be otherwise obtained. Besides this, they procured a Decree of the Senate, to determine the Extent of

their Provinces, the Number of their Forces, the Pay that should be allowed them, with all other Necessaries for their Journey and Settlement.

By the passing of this Decree, they were said *Ornari Provinciā*; and *Cicero* uses in the same Sense, *Ornari Apparitoribus, Scribis, &c.* who made a Part of the *Proconsul's* Retinue.

Nothing now remained, but at the End of the Year to take upon them their new Government. But we must observe, that though the *Senate* had given them leave to depart, yet the *Tribunes* of the Commons had Power to stop their Journey; and therefore because *Craffus* went *Proconsul* into *Parthia*, contrary to the express Order of the *Tribune*, he was generally believed to have lost the *Roman Army*, and his own Life, as a Judgment on him, for despising the Authority of that Officer, whom they always counted *Sacrosanctus*.

At their first Entrance on their Province, they spent some Time in Conference with their immediate Predecessors, to be informed of the State of Things, though their Administration began the very Day of their Arrival.

Their Authority, both Civil and Military, was very extraordinary. The Winter they generally spent in the Execution of the first, and the Summer in the Discharge of the latter.

They decided Cases of Equity and Justice, either privately in their *Prætorium* or Palace, where they received Petitioners, heard Complaints, granted Writs under their Seal, and the like; or else publicly in the Common-Hall, with the usual Ceremonies and Formalities observed in Courts of Judicature, the Processes being in all Respects the same as those at *Rome*.

Besides this, by Virtue of their Edicts, they had the Power of ordering all Things relating to the Tributes, Taxes, Contributions, and Provisions of Corn and Money, and whatever else belonged to the chief Administration of Affairs.

Their Return from the Command was very remarkable: They either met their Successor at his Arrival, and immediately delivered into his Hands the Charge of the Army, being obliged to leave the Province in thirty Days; or they came away before-hand, and left a Deputy in their Room to perform the Solemnity of a Resignation, having first made up their Accounts, and left them in Writing in the two chief Cities of their several Provinces.

Upon

Upon their Arrival at *Rome*, if they had no Thoughts of a Triumph, they dismissed their Train, and entered the City as private Persons. If they aspired to that Honour, they still retained the *Fasces*, and other *Proconsular* Ornaments, and gave the *Senate* (assembled for this Purpose in the Temple of *Bellona*) a Relation of their Actions and Exploits, and petitioned for a Triumph. But in both Cases they were obliged to give in their Accompts into the public Treasury within thirty Days.

Though the *Proconsuls* ordered Matters as they pleased during their Honour; yet, at their Return, a very strict Account was made into the whole Course of their Government; and upon the Discovery of any Ill-dealing, it was usual to prefer Bills against them, and bring them to a formal Trial. The Crimes most commonly objected against them were, *Crimen Peculatii*, relating to the ill Use of the public Money, and the Deficiency of their Accompts; *Magistratus*, of Treachery and Perfidiousness against the Commonwealth; or *Repetundarum*, of Oppression or Extortion exercised upon the Inhabitants of the Provinces, whom, as their Allies and Confederates, the *Romans* were obliged to patronize and defend.

When *Augustus*, at the Desire of the Senate and People, assumed the sole Government of the Empire, among other Constitutions at the Beginning of his Reign, he divided the Provinces in two Parts; one of which he gave wholly over to the People, and reserved the other for himself. After which Time, only the Governors sent into the first Division bore the Name of *Proconsuls*; though they were denied the whole Military Power, and so fell short of the old *Proconsuls*.

To these four Sorts of *Proconsuls*, we may add two more from *Alexander of Naples*.

First, Such as the *Senate* created *Proconsuls* without a Province, purely for the Command of the Army, and the Care of the Military Discipline: And, secondly, such designed *Consuls* as entered on their *Proconsular* Office, before they were admitted to the Consulship.

## C H A P. XV.

*Of the Provincial Praetors and Propraetors; of the Legati, Questors, and Proquestors.*

**I**N the Beginning of the Commonwealth, the Provinces were governed by *Praetors*; and as the Dominions of the State were enlarged, the Number of those Magistrates accordingly increased; yet even in those Times, if they continued in the Command of the Province beyond the Time prefixed for the Continuance of their *Praetorship*, they took upon them the Names of *Propraetors*, though they still retained the same Authority as before.

About *A. U. C.* 604. the *designcd Praetors* began to divide the *Praetorian*, or lesser Provinces, by Lot, in the same Manner as the *Consuls* did the *Consular*; and, when at the End of the Year they repaired to their respective Governments, assumed the Title of *Propraetors*. As their Creation was the same as that of the *Proconsuls*; so their Entrance upon Office, and the whole Course of their Administration, was exactly answerable to theirs; only that they were allowed but six *Lictors*, with an equal Number of *Fasces*, whereas the *Proconsuls* had twelve of each.

Now, though before the Time of *Augustus*, the *Propraetors*, by Reason of their presiding over the Provinces of lesser Note and Importance, were always reckoned inferior to the *Proconsuls*; yet upon his Division of the Provinces, the Governors of those which fell to his Share, bearing the Name of *Propraetors*, got the Preference of the *Proconsuls*, in Respect of Power and Authority; being invested with the military Command, and continuing in their Office as long as the Emperor pleased.

The chief Assistants of the *Proconsuls* and the *Propraetors*, were the *Legati* and the Provincial *Questors*. The former being different in Number, according to the Quality of the Governor whom they accompanied, served for the judging of inferior Causes, and the Management of smaller Concerns, remitting every Thing of Moment to the Care of the Government, or President. But though instituted at first for Counsel only, (like the *Deputies of the States* attending the *Dutch Armies*,) yet they were afterwards admitted to Command: And therefore will be described as *General Officers*, when we come to speak of the Military Affairs (*a*).

(a) *Vide Lib. IV. cap. 8.*

Besides the *Legati*, there went with every *Proconsul* or *Proprætor*, one *Quæstor*, or more, whose whole Business was, in managing the public Accounts, taking care of the Supplies of Money, Corn, and other Necessaries and Conveniences for the Maintenance of the Army.

We seldom meet with *Proquaestors* in Authors, they being only such as performed the Office of *Quæstors* in the Provinces without the Deputation of the Senate, which was requisite to the Constitution of the proper *Quæstors*. This happened either when a *Quæstor* died in his Office, or went to *Rome* without being succeeded by another: For in both these Cases, the Governor of the Province appointed another in his Room, to discharge the same Duties under the Name of *Proquaestor*.

Of the like Nature with the *Quæstor*, were the *Procuratores Cæsarisi*, often mentioned by *Tacitus* and *Suetonius*; Officers sent by the Emperors into every Province, to receive and regulate the public Revenue, and to dispose of it at the Emperor's Command.

Such a Magistrate was *Pontius Pilate* in *Judæa*; and though the judging of capital Causes did not properly belong to his Office, yet because the *Jews* were always looked upon as a rebellious Nation, and apt to revolt upon the least Occasion; and because the President of *Syria* was forced to attend to other Parts of his Province; therefore, for the better keeping the *Jews* in Order, the *Procurator* of *Judæa* was invested with all the Authority proper to the *Proconsul*, even with the Power of Life and Death, as the learned Bishop *Pearson* observes (a).

(a) Bishop *Pearson* on the *Creed*, Art. 4.

## C H A P. VI.

### Of the COMITIA.

**T**HE *Comitia*, according to *Sigonius*'s Definition, were General Assemblies of the People lawfully called by some Magistrate, for the Enjoinment or Prohibition of any Thing by their Votes (a).

The proper *Comitia* were of three Sorts; *Curiata*, *Centuriata*, and *Tributa*; with Reference to the three grand Divisions of the City and People into *Curiæ*, *Centuries*, and *Tribes*:

(a) *Sig. de Antiq. Jur. Civ. Romanorum*, lib. 1. cap. 17.

For by *Comitia Calata*, which we sometimes meet with in Authors, were formerly meant all the *Comitia* in general; the Word *Calata*, from καλέω or *Calo*, being their common Epithet; though it was at last restrained to two Sorts of Assemblies, those for the Creation of Priests, and those for the Inspection and Regulation of last Wills and Testaments (a).

The *Comitia Curiata* owe their Origin to the Division which *Romulus* made of the People into thirty *Curiæ*; ten being contained under every *Tribus*. They answered, in most Respects, to the Parishes in our Cities; being not only separated by proper Bounds and Limits, but also distinguished by their different Places set apart for the Celebration of Divine Service, which was performed by particular Priests (one to every *Curia*,) with the Name of *Curiones*.

*Dionysius Halicarnassus* expressly affirms, that each *Curia* was again subdivided into *Decuriæ*, and these lesser Bodies governed by *Decuriones*. And, upon the Strength of his Authority, most Compilers of the *Roman Customs*, give the same Account without any Scruple. But it is the Opinion of the learned *Grævius* (b), that since *Dionysius* is not seconded in this Part of his Relation by any antient Writer, we ought to think it was a Mistake in that great Man; and that by Forgetfulness he attributed such a Division to the *Curiæ* as belonged properly to the *Turmæ* in the Army.

Before the Institution of the *Comitia Centuriata*, all the grand Concerns of the State were transacted in the Assembly of the *Curiæ*; as, the Election of Kings, and other chief Officers; making and abrogating of Laws, and judging of capital Causes. After the Expulsion of the Kings, when the Commons had obtained the Privilege to have *Tribunes* and *Aediles*; they elected them for some Time at these Assemblies: But that Ceremony being at length transferred to the *Comitia Tributa*, the *Curiæ* were never convened to give their Votes, except occasionally on Account of making some particular Law, relating to Adoptions, Wills and Testaments, or the Creation of Officers for an Expedition; or for the electing of some of the Priests, as the *Flamines*, and the *Curio Maximus*, or Superintendant of the *Curiones*, who themselves were chosen by every particular *Curia*.

The Power of calling these Assemblies belonged at first only to the Kings; but upon the Establishment of the De-

(a) *A. Gell.* lib. 15. cap. 27. (b) *Prof ad Fel. Thysan Antiquit. Rom. mocracy,*

mocracy, the same Privilege was allowed to most of the chief Magistrates, and sometimes to the *Pontifices*.

The Persons who had the Liberty of Voting here, were such *Roman Citizens* as belonged to the *Curiæ*; or such as actually lived in the City, and conformed to the Customs and Rites of their proper *Curia*; all those being excluded who dwelt without its Bounds retaining the Ceremonies of their own Country, though they had been honoured with the *Jus Civitatis*, or admitted free *Citizens of Rome* (a).

The Place where the *Curiæ* met was the *Comitium*, a part of the *Forum* decribed before (b).

No set Time was allotted for the holding of these or any of the other *Comitia*, but only as Business required.

The People being met, and confirmed by the Report of good Omens from the *Augurs* (which was necessary in all Assemblies,) the *Rogatio*, or Business to be proposed to them, was publicly read. After this (if none of the Magistrates interposed), upon the Order of him that presided in the *Comitia*, the People divided into their proper *Curiæ*, and consulted of the Matter; and then the *Curiæ* being called out, as it happened by Lot, gave their Votes, Man by Man, in antient Times *vivâ voce*, and afterwards by Tablets; the most Votes in every *Curia* going for the Voice of the whole *Curia*, and the most *Curiæ* for the general Consent of the People (c).

In the Time of *Cicero*, the *Comitia Curiata* were so much out of Fashion, that they were formed only by thirty *Lictors* representing the thirty *Curiæ*; whence in his second Oration against *Rullus*, he calls them *Comitia adumbrata*.

The *Comitia Centuriata* were instituted by *Servius Tullius*; who obliging every one to give a true Account of what they were worth, according to those Accounts divided the People into six Ranks, or *Classeſ*, which he subdivided into 193 *Centuries*. The first *Classeſ*, containing the *Equites* and richest *Citizens*, consisted of ninety-eight *Centuries*. The second, taking in the Tradesmen and Mechanics, made up two and twenty *Centuries*. The third, the same Number. The fourth, twenty. The fifth, thirty. And the last, filled up with the poorer Sort, had but one *Century* (d).

(a) *Sigon. de Antiq. Jur. Provinc.* lib. 3. cap. 1. (b) See Part II. Book I. cap. 5. (c) *Regn. lib. 7 cap. 7.* (d) See *Dionys. lib. 4.*

And this, though it had the same Name with the rest, yet was seldom regarded, or allowed any Power in public Matters. Hence it is a common Thing with the *Roman Authors*, when they speak of the *Clusses*, to reckon no more than five, the sixth not being worth their Notice. This last *Classe* was divided into two Parts or Orders, the *Proletarii*, and the *Capite Censi*. The former, as their Name implies, were designed purely to stock the Commonwealth with Men, since they could supply it with so little Money. And the latter, who paid the lowest Tax of all, were rather counted and marshalled by their Heads, than their Estates (a).

Persons of the first Rank, on Account of their Pre-eminence, had the Name of *Clasci*; whence came the Phrase of *Clasci Autores*, for the most approved Writers. All others, of what *Classe* soever, were said to be *infra Classem* (b).

The Assembly of the People by *Centuries* was held for the electing of *Consuls*, *Censors*, and *Prætors*; as also for the judging of Persons accused of what they called *Crimen Perduellionis*, or Actions by which the Party had shewed himself an Enemy to the State; and for the Confirmation of such Laws as were proposed by the Chief Magistrates, who had the Privilege of calling these Assemblies.

The Place appointed for their Meeting was the *Campus Martius*; because in the primitive Times of the Commonwealth, when they were under continual Apprehensions of Enemies, the People, to prevent any sudden Assault, went armed, in martial Order, to hold these Assemblies; and were for that Reason, forbid by the Laws to meet in the City, because an Army was upon no Account to be marshalled within the Walls: Yet in latter Ages, it was thought sufficient to place a Body of Soldiers as a Guard in the *Fanum*, where an Imperial Standard was erected, the taking down of which denoted the Conclusion of the *Comitia*.

Though the Time of these *Comitia* for other Matters was undetermined, yet the Magistrates after the Year 601, when they began to enter on their Places on the *Kalends of January*, were constantly *designed* about the End of *July*, and the Beginning of *August*.

All the Time between their Election and Confirmation, they continued as private Persons, that Inquisition might be made into the Election, and the other Candidates might have Time to enter Objections, if they had any Suspicion of unfair Dealing.

(a) *A. Gell.* lib. 7. cap. 13.

(b) *Ibid.* lib. 15. cap. 10.

Yet at the Election of *Censors*, this Custom did not hold; but as soon as they were pronounced elect, they were immediately invested with the Honour (a).

By the Institution of these *Comitia*, *Servius Tullius* secretly conveyed the whole Power from the Commons: For the ~~order~~ of the first and richest Class being called out first, who were three more in Number than all the rest put together, if they all agreed, as generally they did, the Business was already decided, and the other *Classes* were needless and irrelevant. However the three last scarce ever came to vote (b).

The Commons, in the Time of the free State, to rectify this Disadvantage, obtained, that before they proceeded to voting in any Matter at these *Comitia*, that *Century* should give their Suffrages first, upon whom it fell by Lot, with the Name of *Centuriata Prærogativa*, the rest being to follow according to the Order of their *Classes*. After the Constitution of the five and thirty *Tribes*, into which the *Classes* and their *Centuries* were divided; in the first Place, the *Tribes* cast Lots, which should be the *Prerogative-Tribe*; and then the *Centuries* of the *Tribe*, for the Honour of being the *Prerogative-Century*. All the other *Tribes* and *Centuries* had the Appellation of *Jure vocatæ*, because they were called out according to their proper Places,

The *Prerogative-Century* being chosen by Lot, the chief Magistrate sitting in a \* Tent in the Middle of *Tabernaculum*, the *Campus Martius*, ordered that *Century* to come out and give their Voices; upon which they presently separated from the rest of the Multitude, and came into an enclosed Apartment, which they termed *Septa*, or *Ovilia*; passing over the *Pontes*, or narrow Boards, laid there for the Occasion; on which Account, *de Ponte dejici* was to be denied the Privilege of voting, and Persons thus dealt with, were called *Defontani*.

At the nearer End of the *Pentes*, stood the *Diribitores* (a Sort of Under-Officers, called so from dividing or marshalling the People) who delivered to every Man, *Tableta*, in the Election of Magistrates, as many Tablets as there appeared Candidates, one of whose Names was written upon every Tablet.

A proper Number of great Chests were set in the *Septa*, into which every Body threw what Tablet he pleased.

(a) *Liz.*, lib. 40.

(b) *Dionys.* lib. 4.

By the Chests were placed some of the public Servants, who taking out the Tablets of every *Century*, for every Tablet made a Point in another Tablet which they kept by them. Thus the Busines being decided by most Points, gave Occasion to the Phrase of *Omne tulit Punctum* (*a*), and the like.

The same Method was observed in the judiciary Proceedings at these *Comitia*, and in the Confirmation of Laws; except that in both these Cases, only two Tablets were offered to every Person, on one of which was written *U. R.* and on the other *A.* in Capital Letters; the two first standing for *Uti Rogas*, or, *Be it as you desire*, relating to the Magistrate who proposed the Question; and the last for *Antiquo*, or, *I forbid it*.

It is remarkable, that though in the Election of Magistrates, and in the Ratification of Laws, the Votes of that *Century*, whose Tablets were equally divided, signified nothing; yet in Trials of Life and Death, if the Tablets *pro* or *con* were the same in Number, the Person was acquitted (*b*).

The Division of the People into *Tribes*, was an Invention of *Romulus*, after he had admitted the *Sabines* into *Rome*; and though he constituted at that Time only three, yet as the State increased in Power, and the City in Number of Inhabitants, they rose by Degrees to five and thirty. For a long Time after this Institution, a *Tribus* signified no more than such a Space of Ground with its Inhabitants. But at last the Matter was quite altered, and a *Tribus* was no longer *Pars Urbis*, but *Civitatis*; not a Quarter of the City, but a Company of Citizens living where they pleased. This Change was chiefly occasioned by the original Difference between the *Tribes* in Point of Honour. For *Romulus* having committed all sordid and mechanic Arts to the Care of Strangers, Slavers, and Libertines, reserved the more honest Labour of Agriculture to the Freedmen and Citizens, who by this active Course of Life might be prepared for martial Service; the *Tribus Rusticæ* were for this Reason esteemed more honourable than the *Urbanæ*: And now all Persons being desirous of getting into the more creditable Division, and there being several Ways of accomplishing their Wishes, as by Adoption, by the Power of the *Conscripti*, and the like; that *Rustic Tribe* which had most worthy Names in its Roll, had the Preference to all others, though of the same general Denomination. Hence all of the same great Family, bringing themselves by Degrees into the same *Tribus*, gave the

(*a*) *Hr. de Arte Fict.*

(*b*) *Dionys. lib. 7.*

Name of their Family to the *Tribe* they honoured; whereas at first, the Generality of the *Tribes* did not borrow their Names from Persons but from Places (a).

The first Assembly of the *Tribes* we meet with, is about the Year of *Rome* 263, convened by *Sp. Sicinius*, Tribune of the Commons, upon Account of the Trial of *Coriolanus*. Soon after, the *Tribunes* of the Commons were ordered to be elected here: and at last all the inferior Magistrates and Collegiate Priests. The same *Comitia* served for enacting Laws relating to War and Peace, and all others proposed by the *Tribunes* and Plebeian Officers though they had not properly the Name of *Leges*, but *Plebiscita*. They were generally convened by the *Tribunes* of the Commons, but the same Privilege was allowed to all the chief Magistrates.

They were confined to no Place, and therefore sometimes we find them held in the *Comitium*, sometimes in the *Campus Martius*, and now and then in the *Capitol*.

The Proceedings were, in most Respects, answerable to those already described in the Account of the other *Comitia*, and therefore need not be insisted on; only we may farther observe of the *Comitia* in general, that when any Candidate was found to have most Tablets for a Magistracy, he was declared to be *designed* or *elected* by the President of the Assembly: And this they termed *renunciari Consul*, *Prætor*, or the like: And that the last Sort of the *Comitia* only, could be held without the Consent and Approbation of the *Senate*, which was necessary to the convening the other two (b).

(a) See *Mr. Walker of Coins*, p. 126.

(b) *Dionys.*

## CHAP. XVII.

### Of the ROMAN Judgments; and first, of Private Judgments.

**A** Judgment, according to *Aristotle's* Definition, is no more than *κρίσις το δικαίω και ἀδίκω the Decision of Right and Wrong.*

The whole Subject of the *Roman Judgments* is admirably explained by *Sigonius* in his three Books *de Judiciis*, from whom the following Account is for the most Part extracted.

*Judgments, or Determinations* of a proper Judge, were made either by a competent Number of select Judges, or by the whole People in a General Assembly.

*Judgments* made by one or more select Judges, may be divided into public or private, the first relating to Controversies, the second to Crimes.

The former will be sufficiently described, if we consider the Matter, or Subject of these *Judgments*, the Persons concerned in them, and the Manner of Proceeding.

The Matter of private *Judgments* takes in all Sorts of Causes that can happen betwixt Man and Man; which being so vastly extended, and belonging more immediately to the Civil Law, need not here be insisted on.

The Persons concerned were the Parties, the Assistants, and the Judges.

The Parties were the *Actor* and *Reus*, the Plaintiff and Defendant.

The Assistants were the *Procuratores*, and the *Advocati*, of whom, though they are often confounded, yet the first were properly such Lawyers as assisted the Plaintiff in proving, or the Defendant in clearing himself from the Matter of Fact: The others, who were likewise called *Patroni*, were to defend their Client's Cause in Matters of Law (a).

But these were selected out of the ablest Lawyers, and had their Names entered in the *Matriculation-Book* of the *Forum*. This was one Condition requisite to give them the Liberty of Pleading; the other was the being retained by one of the Parties, and receiving a Fee, which they termed *Mandatum* (a).

The Judges, besides the *Praetor*, or supreme Magistrate, who presided in the Court, and allowed and confirmed them, were of three Sorts; *Arbitri*, *Recuperatores* and *Centumviri Litibus judicandis*.

*Arbitri*, whom they called simply *Judices*, were appointed to determine in some private Causes of no great Consequence, and of very easy Decision.

*Recuperatores*, were assigned to decide Controversies about receiving or recovering Things which had been lost or taken away.

But the usual Judges in private Causes, were the *Centumviri*; three of whom were taken out of every *Tribus*, so that their Number was five more than their Name imported; and at length increased to an hundred and eighty. It is proba-

(a) Zschuck, Element. Jurisprud. p. 5. Sec. 3.

(b) M.J.

ble that the *Arbitri* and *Recuperatores* were assigned out of this Body by the *Prætor*.

The Manner of carrying on private Suits was of this Nature. The Difference failing to be made up between Friends, the injured Person proceeded *in jus reum vocare*, to summon the offending Party to Court; who was obliged immediately to go with him, or else to give Bond for his Appearance; according to the common Maxim, *In jus vocatus aut eat, aut satisfact.*

Both Parties being met before the *Prætor*, or other supreme Magistrate presiding in the Court, the Plaintiff proposed the Action to the Defendant, on which he designed to sue him: This they termed *Edere Actionem*, being performed commonly by writing it in a Tablet, and offering it to the Defendant, that he might see whether he had best compound, or stand the Suit.

In the next Place came the *Postulatio Actionis*, or the Plaintiff's desiring Leave of the *Prætor* to prosecute the Defendant on such an Action: This being granted, the Plaintiff *vadabatur reum*, obliged him to give Sureties for his Appearance on such a Day in the Court; and this was all that was done in public, before the prefixed Day for the Trial.

In the mean time, the Difference used very often to be made up, either *Transactio*, or *Pacto*; by letting the Cause fall as dubious and uncertain, or by a Composition for so much Damage to be ascertained by an equal Number of Friends.

On the Day appointed for Hearing, the *Prætor* ordered the several Bills to be read, and the Parties to be summoned by an *Aicensus* or Beadle. Upon the Default of either Party, the Defaulter lost his Cause. The Appearing of both they termed *se fletisse*; and then the Plaintiff proceeded *Liter sine Actionem intendere*, to prefer the Suit; which was performed in a set Form of Words, varying according to the Difference of the Actions. After this, the Plaintiff desired Judgment of the *Prætor*; that is, to be allowed a *Judex*, or *Arbiter*, or else the *Recuperatores* or *Centumviri*, for the hearing and deciding the Business; but none of these could be desired, unless both Parties agreed. The *Prætor*, when he assigned them their Judges, at the same Time, defined the Number of Witnesses, to hinder the protracting of Suits; and then the Parties proceeded to give Caution, that the Judgment, whatever it was, should stand, and be performed on both Sides. The Judges always took a solemn Oath

Oath to be impartial; and the Parties swore they did not go to Law with a Design to abuse one another: This they called *Juramentum Calumniæ*. Then began the *Disceptatio Causæ*, or disputing the Cause, managed by the Lawyers on both Sides, with the Assistance of Witnesses, Writings, and the like; the Use of which is so admirably taught in the Books of Oratory.

In giving Sentence, a Majority of the Judges was required, to cast the Defendant. If the Number was equally divided, the Defendant was cleared; and if half condemned him in one Sum to be paid, and half in another, the least Sum always took place (a).

The Consequences of the Sentence were either, *In integrum Restitutio*, *Addictio*, *Judicium Calumniæ*, or *Judicium Falsi*.

The first was, when upon Petition of the Party who was cast, the *Prætor* gave him Leave to have his Suit again tried, and allowed another full Hearing.

*Addictio* was, when the Party had been cast in a certain Sum, who, unless he gave Surety to pay it in a little Time, was brought by the Plaintiff before the *Prætor*, who delivered him into his Disposal, to be committed to Prison, or otherwise secured, until Satisfaction was made.

*Judicium Calumniæ*, was an Action brought against the Plaintiff for false Accusation.

*Judicium Falsi*, was an Action which lay against the Judges for Corruption and unjust Proceedings.

(a) *Zenob. Element.* p. 5. Sect. 10.

## C H A P. XVIII.

### *Of public JUDGMENTS.*

FOR the Knowledge of public Judgments, we may take notice of the Crimes, the Punishments of the *Quæfutors* and Judges, of the Methods of Proceeding, and of the Consequences of the Trial.

The Crimes, or the Matter of public Judgments, were such Actions as tended either mediately, or immediately, to the Prejudice of the State, and were forbidden by the Laws. As, if any Person had derogated from the Honour and Majesty of the Commonwealth; had embezzled or put to ill Uses the public Money, or any Treasure consecrated to Religion; had corrupted the Peoples Votes in an Election; had

extorted Contributions from the Allies; had received Money in any Judgment; or had used any Compulsion to a Member of the Commonwealth: These they termed *Crimina Majestatis peculatus, ambitus, repetundarum, and vis publica*. Or if any Person had killed another with a Weapon; had effected the same with Poison; had laid violent Hands on his Parents; had forged a Will; had counterfeited the public Coin; had corrupted another Man's Wife; or had bought, bound, or concealed a Servant, without the Knowledge of his Master: Whence these Crimes took the Names of, *inter siccarios, venificii, parricidii, falsi, adulterii, flagii*.

Besides these, any private Cause, by Virtue of a new Law, might be made of public Cognizance.

As to the Punishments, they may be allowed a Chapter by themselves hereafter.

The Inquisition of criminal Matters belonged at first to the Kings, and after the Abrogation of their Government, for some Time, to the Consuls: But being taken from them by the *Valerian Law*, it was conferred, as Occasions happened, upon Officers deputed by the People, with the Title of *Quæstores Parricidii*. But about the Year of the City 604, this Power was made perpetual, and appropriated to the *Prætors*, by Virtue of an Order of the People at their annual Election; the Inquisition of such and such Crimes being committed to such and such *Prætors*: Yet upon extraordinary Occasions, the People could appoint other *Quæstores*, if they thought convenient.

Next to the *Quæstor*, was the *Judex Quæstionis*; called also by *Aescinius, Princeps Judicum*, who, though he is sometimes confounded with the *Prætor*, yet was properly a Person of Note, deputed by the *Prætor*, to manage the Trial, of which the former Magistrate performed only the main Business.

After him were the *Judices selecti*, who were summoned by the *Prætor* to give their Verdict in criminal Matters, in the same Manner as our Juries. What Alterations were made in different Times as to the Orders of the People whence the *Judices* were to be taken, will be observed when we speak of the particular Laws on this Head (*a*). No Person could regularly be admitted into the Number, under five and twenty Years of Age (*b*).

As to the Method of the Proceedings, the first Action which they termed *in jus vocatio* was much the same in public

(*a*) Cap. 36.    (*b*) *Vid. Græv. Præfat. ad Vol. I. Antiq. Rom.*

as in private Causes: But then, as the *Postulatio* of the Plaintiff consisted in desiring Leave of the *Prætor* to enter a Suit against the Defendant: So here the Accuser desired Permission to enter the Name of the Offender, with the Crime which he objected to him. This they called *Nominis delatio*; being performed first *vivâ voce*, in a set Form of Words, according to the Nature of the Crime, and then offered to the *Prætor*, being written in a Tablet: if approved by the *Prætor*, the accused Party's Name was entered in the Roll of Criminals; both Persons having taken the *Oath of Calumny* already spoken of.

At entering the Name, the *Prætor* appointed a set Day for the Trial: And from that Time the accused Person changed his Habit, going in black until the Trial was over, and using in his Dress and Carriage all Tokens of Sorrow and Concern.

Upon the appointed Day, the Court being met, and both Parties appearing, the first Thing done, was the *sortitio Iudicium*, or impannelling the Jury; performed commonly by the *Judex Quæstionis*, who took by Lot such a Number out of the Body of the *Judices selecti*, as the particular Law on which the Accusation was founded, had determined; Liberty being given to both Parties to reject (or, as we call it, to challenge) any that they pleased, the *Prætor*, or *Judex Quæstionis*, substituting others in their Places.

The Jury being thus chosen, was cited by the public Servants of the Court; and when the proper Number appeared, they were sworn, and then took their Places in the *Subsellia*, and heard the Trial.

In this we reckon four Parts, *Accusatio*, *Defensio*, *Laudatio*, and *Latitudo sententia*.

*Accusatio* is defined, *Perpetua Oratio ad crimina inferenda atque augenda, artificiosè composita*; A continued Oration artificially composed for the making out, and heightening the Crimes alledged: For it did not only consist in giving a plain Narration of the Matter of Fact, and confirming it by Witnesses and other Evidences; but in bringing other Arguments also, drawn from the Nature of the Thing, from the Character of the accused Person, and his former Course of Life, from the Circumstances of the Fact, and several other Topics, which the Orators teach us to enlarge upon: Nor was the Accuser limited in Respect of Time, being allowed commonly as many Days as he pleased, to make good his Charge.

*Defensio* belonged to the Lawyers or Advocates retained by the accused Party, who in like Manner were allowed to speak as many Days as they pleased, towards the clearing of their Client. The three common Methods they took, were, *Facti negatio*, *negatio nonminis facti*, or *probatio jure factum*: Either positively to deny the Matter of Fact, and endeavour to evince the contrary; or else to acknowledge the Fact, and yet to deny that it fell under the Nature of the Crime objected: Or, lastly, to prove the Fact lawful.

The first Way of Defence was generally used when the Person stood indicted of what they called *Crimen repetundarum*, and *Crimen ambitus*; the next of the *Crimen Majestatis*; and the last in Cases of Murder.

Cicero has given us an excellent Example in each Kind. Of the first, in his Orations for *Fonteius*, *Flaccus*, *Muræna*, and *Plancius*: Of the second, in that for *Cornelius*; and of the third, in his admirable Defence of *Milo*.

*Laudatio* was a Custom like that in our Trials, of bringing in Persons of Credit, to give their Testimony of the accused Person's good Behaviour, and Integrity of Life. The least Number of these *Laudatores* used to be ten.

In the *Latit Sententiae*, or pronouncing Sentence, they proceeded thus: After the Orators on both Sides had said all they designed, the Cryer gave notice accordingly; and then the *Prætor* sent out the Jury to consult (*mittebat Judices in consilium*) delivering to every one, three Tablets covered with Wax; one of Absolution, another of Condemnation, and a third of *Ampliation*, or Adjournment of the Trial; the first being marked with *A*; the second with *C*; the other *N. L.* or *non liquet*.

In the Place where the Jury withdrew, was set a proper Number of Urns, or Boxes, into which they threw what Tablet they pleased; the accused Person prostrating himself all the while at their Feet, to move their Compassion.

The Tablets being drawn, and the greatest Number known, the *Prætor* pronounced Sentence accordingly. The Form of Condemnation was usually, *Videtur fecisse*, or *Non jure videtur fecisse*: Of Absolution, *Non videtur fecisse*: Of Ampliation, *Amplius cognoscendum*; or rather the bare Word *AMPLIUS*: This *Asconius* teaches us; *Mos veterum hic fuerat, ut si absolvendus quis esset, statim absolveretur; si damnandus, statim damnaretur; si causa non esset idonea ad damnationem, absolvi tamen non posset, AMPLIUS pronunciaretur*. Sometimes he mentioned the Punishment, and sometimes left it out, as being determined by the Law, on which the Indictment was grounded.

The Consequences of the Trial in criminal Matters, may be reduced to these four Heads, *Aëstimatio litis*, *Animadversio*, *Judicium calumniæ*, and *Judicium prævaricationis*.

*Aëstimatio litis*, or rating the Damages, was in Use only in Cases of Bribery, or abuse of the public Money.

*Animadversio* was no more than putting the Sentence in Execution, which was left to the Care of the *Prætor*.

But in Case the Party was absolved, there lay two Actions against the Accuser; one of Calumny, the common Punishment of which was *Frontis inusio*, burning in the Fore-head: And the other of Prevarication, when the Accuser instead of urging the Crime home, seemed rather to hide or extenuate the Guilt: Hence the Civilians define a Prevaricator, to be *One that betrays his Cause to the Adversary, and turns on the Criminal's Side, whom he ought to prosecute.*

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## C H A P. XIX.

### *Judgments of the whole People.*

**T**HE People were sometimes the Judges, both in private and public Causes; though of the first, we have only one Example in *Livy*; the other we frequently meet with in Authors.

These Judgments were made, first at the *Comitia Curiata*, and afterwards at the *Centuriata* and *Tributa*; the Proceedings in all which Assemblies have been already shewn: What we may farther observe is this: When any Magistrate designed to impeach a Person of a Crime before the whole People, he ascended the *Rostra*, and calling the People together by a Cryer, signified to them, That upon such a Day, he intended to accuse such a Person of such a Crime: This they termed *Reo diem dicere*: The suspected Party was obliged immediately to give Sureties for his Appearance on the Day prefixed, and in Default of Bail, was committed to Prison.

On the appointed Day, the Magistrate again ascended the *Rostra*, and cited the Party by the Cryer; who, unless some other Magistrate of equal Authority interposed, or a sufficient Excuse was offered, was obliged to appear, or might be punished at the Pleasure of the Magistrate who accused him. If he appeared, the Accuser began his Charge, and carried it on every other Day, for six Days together;

gether; mentioning at the End of the Indictment the particular Punishment specified in the Law for such an Offence. This Intimation was termed *Inquisitio*. The same was immediately after expressed in Writing, and then took the Name of *Rogatio*, in Respect of the People, who were to be asked or consulted about it; and *Irrrogatio*, in Respect of the Criminal, as it imported the Mulet or Punishment assigned him by the Accuser. This *Rogatio* was publicly exposed three *Nundinae* or Market-days together, for the Information of the People. On the third Market-day, the Accuser again ascended the *Rostra*; and, the People being called together, undertook the fourth Turn of his Charge; and having concluded, gave the other Party leave to enter upon his Defence, either in his own Person, or by his Advocates.

At the same Time that the Accuser finished his fourth Charge, he gave notice what Day he would have the *Comitia* meet to receive the Bill; the *Comitia Tributa* to consider of Mulets, and the *Centuriata* for capital Punishments.

But in the mean Time, there were several Ways by which the accused Party mighty be relieved; as first, if the Tribunes of the Commons interposed in his Behalf; or if he excused himself by a voluntary Exile, Sicknes, or upon Account of providing for a Funeral; or if he prevailed with the Accuser to relinquish his Charge, and let the Cause fall; or if upon the Day appointed for the *Comitia*, the *Augurs* discovered any ill Omens, and so forbade the Assembly.

If none of these happened, the *Comitia* met, and proceeded as has been already described; and as for the *Animadversio*, or putting the Sentence in Execution, this was performed in the same Manner as in the *Prætorian* Judgments.

The Forms of Judgments which have been thus described, must be supposed to have prevailed chiefly in the Time of the free State: For as the Kings before, so the Emperors afterwards, were themselves Judges in what Causes, and after what Manner they pleased, as *Suetonius* particularly informs us of almost all the twelve *Cæsars*. It was this gave Occasion to the Rise of the *Mandatores* and the *Delatores*, a Sort of Wretches to be met with in every Part of History. The Business of the former was to mark down such Persons as upon Inquisition they pretended to have found guilty of any Misdemeanor; and the latter were employed in accusing and prosecuting them upon the other's Order. This mischievous Tribe, as they were countenanced

nanced and rewarded by bad Princes, so were they extremely detested by the good Emperors. *Titus* prosecuted all that could be found upon the most diligent Search, with Death or perpetual Banishment (*a*): And *Pliny* reckons it among the greatest Praises of *Trajan*, that he had cleared the City from the perjured Race of Informers (*b*).

(*a*) *Sueton.* in *Tit.* cap. 8. (*b*) *Plin.* in *Panegyric.*

## C H A P. XX.

### *Of the ROMAN Punishments.*

**T**HE accurate *Sigonius* has divided the Punishments into eight Sorts, *Damnum*, *Vincula*, *Verbera*, *Talio*, *Ignominia*, *Exilium*, *Servitus*, *Mors*.

*Damnum* was a pecuniary Mulct or Fine set upon the Offender, according to the Quality of the Crime.

*Vinculum* signifies the guilty Person's being condemned to Imprisonment and Fetters; of which they had many Sorts, as *Manicæ*, *Pedicæ*, *Nervi*, *Boiæ*, and the like. The public Prison in *Rome* was built by *Ancus Martius*, near the *Forum* (*a*): To which a new Part was added by *Servius Tullius*, called thence *Tullianum*: *Salust* describes the *Tullianum* as an Apartment under Ground (*b*), into which they put the most notorious Criminals. The higher Part, raised by *Ancus Martius*, has commonly the Name of the *Robur*; from the oaken Planks which composed it. For keeping the Prison, besides the *Triumviri*, was appointed a Sort of Goaler, whom *Valerius Maximus* calls *Custos Carceris* (*c*), and *Pliny*, *Commentariensis* (*d*).

*Verbera*, or Stripes, were inflicted either with Rods [*Virgæ*] or with Battoons [*Fustes*]: The first commonly preceded capital Punishments, properly so called: The other was most in Use in the Camp, and belonged to the military Discipline.

*Talio* was a Punishment by which the guilty Person suffered exactly after the same Manner as he had offended; as in Cases of maiming, and the like. Yet *A. Gellius* informs us, that the Criminal was allowed the Liberty of compounding with the Person he had injured; so that he needed not suffer the *Talio*, unless he voluntarily chose it (*e*).

(*a*) *Liv.* lib. 1. (*b*) *In Bell. Catilinar.* (*c*) Lib. 5. (*d*) Lib. 7. cap. 53.  
(*e*) *Vide A. Gell.* lib. 11. cap. 1.

*Ignominia* was no more than a public Shame which the offending Person underwent, either by Virtue of the *Prætor's* Edict, or more commonly by Order of the *Censor*: This Punishment, besides the Scandal, took away from the Party on whom it was inflicted, the Privilege of bearing any Office, and almost all other Liberties of a *Roman Citizen*.

*Exilium* was not a Punishment immediateiy, but by Consequence; for the Phrase used in the Sentence and Laws, was *Aque & Ignis Interdictio*, the forbidding the Use of Water and Fire, which being necessary to Life, the condemned Person was obliged to leave his Country. Yet in the Times of the latter Emperors, we find it to have been a positive Punishment, as appears from the Civil Law. *Relegatio* may be reckoned under this Head, though it were something different from the former; this being the sending a Criminal to such a Place, or for such a Time, or perhaps for ever, by which the Party was not deprived of the Privilege of a *Citizen of Rome*, as he was in the first Sort of Banishment, which they properly called *Exilium*. *Suetonius* speaks of a new Sort of *Relegatio* invented by the Emperor *Claudius*; by which he ordered suspected Persons not to stir three Miles from the City (b). Besides this *Relegatio*, they had two other Kinds of Banishment, which they termed *Deportatio*, or *Proscriptio*; though nothing is more common than to have them confounded in most Authors. *Deportatio*, or Transportation, difiered in these Respects from *Relegatio*; that whereas the *Relegati* were condemned either to change their Country for a set Time, or for ever, and lost neither their Estate and Goods, nor the Privilege of Citizens; on the contrary, the *Deportati* were always banished for ever, and lost both their Estate and Privileges, being counted dead in Law (c). And as for the *Proscripti*, they are defined by the Lawyers to be such Persons whose Names were fixed up in Tablets at the Forum, to the End that they might be brought to Justice; a Reward being proposed to those who took them, and a Punishment to those who concealed them (d). *Sylla* was the first Inventor of this Practice, and gave the greatest Example of it that we meet with, prescribing 2000 Knights and Senators at once (e). It is plain, that this was not a positive Banishment, but a forcing Persons to make use of that Security; so that we may suppose it of a like Nature with our Outiawry.

(b) *Suet. in Claud. cap. 33.* (c) *Calvin. Lexicon Juridic. in v.c. Deportatio & Relegat.* (d) *Ibid. in v.c. Proscripti.* (e) *Fleury. lib. 2. cap. 28.*

*Servitus* was a Punishment, by which the Criminal's Person, as well as Goods, were publicly exposed to Sale by Auction: This rarely happened to the Citizens, but was an usual Way of treating Captives taken in War, and therefore will be described hereafter.

Under the Head of Capital Punishments, the *Romans* reckoned extreme Banishment; because those who underwent that Sentence, were in a civil Sense dead. *Mors.* But because this Punishment has been already described, we are only now to take notice of such as reached the Offender's Life.

The chief of these were *Percussio securi*, *Strangulatio*, *Præcipitatio de robore*, *Dejectio e rupe Tarpeia*, *In crucem Actio*, and *Proiectio in præfluentem*.

The first was the same as beheading with us.

The second was performed in the Prison, as it is now in Turkey.

The third and fourth were a throwing the Criminal headlong, either from that Part of the Prison called *Robur*; or from the highest Part of the *Tarpeian Mountain*.

The fifth Punishment, namely Crucifixion, was seldom inflicted on any but Slaves, or the meanest of the Commons; yet we find some Examples of a different Practice; and *Suetonius* particularly relates of the Emperor *Galba*, that having condemned a *Roman Citizen* to suffer this Punishment for poisoning his Ward, the Gentleman, as he was carrying to Execution, made a grievous Complaint that a Citizen of *Rome* should undergo such a servile Death; alledging the Laws to the contrary: The Emperor hearing this Plea, promised to alleviate the Shame of his Sentence, and ordered a Cross much larger, and more neat than ordinary, to be erected, and to be washed over with white Paint, that the Gentleman who stood so much on his Quality, might have the Honour to be hanged in State (a).

The Cross and the *Furca*, are commonly taken for the same Thing in Authors; though, properly speaking, there was a great Difference between them. The *Furca* is divided by *Lipsius* into *Ignominiosa* and *Pœnalis*: The former, *Plutarch* describes to be that Piece of Wood which supports the Thill of a Waggon: He adds, that it was one of the greatest Penances for a Servant who had offended, to take this upon his Shoulders, and carry it about the Neighbourhood; for whoever was seen with this infamous Burden, had

(a) *Sueton. in Galba. cap. 9.*

no longer any Credit or Trust among those who knew it, but was called *Furcifer*, by way of Ignominy and Reproach (a). *Furca pænalis* was a Piece of Wood, much of the same Shape as the former, which was fastened about the convicted Person's Neck, he being generally either scourged to Death under it, or lifted up by it upon the Cross. *Liftius* makes it the same with the *Patibulum*, and supposes, that notwithstanding the Name, it might not be a forked Piece of Timber, but either a straight Beam, to which the Criminal's Arms being fastened was hoisted up at the Place of Execution, and served for the transverse Part of the Cross.

*Projectio in profluentem* was a Punishment proper to the Crime of Parricide (or the Murder of any near Relation): The Person convicted of this unnatural Guilt, was immediately hooded; as unworthy of the common Light: In the next Place he was whipped with Rods; sewed up in a Sack, and thrown into the Sea; or in inland Countries, into the next Lake or River. Afterwards, for an Addition to the Punishment, a Serpent used to be put into the Sack with the Criminal; and, in latter Times, an Ape, a Dog, and a Cock. The Sack which held the Malefactor was termed *Culeus*; and hence the Punishment itself is often signified by the same Name. The Reason of the Addition of the living Creatures is thought to have been, that the condemned Persons might be tormented with such troublesome Company, and that their Carcasses might want both Burial and Rest. *Juvenal* expressly alludes to this Custom in his Eighth Satyr:

*Libera si dentur populo suffragia, quis tam  
Perditus, ut dubitet Senecam præferre Neroni,  
Cujus supplicio non debuit una parari  
Simia, non Serpens unus, non Culeus unus.*

Had we the Freedom to express our Mind,  
There's not a Wretch so much to Vice inclin'd,  
But will own *Seneca* did far excell  
His Pupil, by whose Tyranny he fell;  
To expiate whose complicated Guilt,  
With some Proportion to the Blood he spilt,  
*Rome* should more Serpents, Apes, and Sacks provide,  
Than one, for the stupendous Parricide.

STEPNEY.

(a) *Vide Plutarch, in Ciceron.*

The

The same Poet in another Place intimates, that this Sack was made of Leather.

Tully, in his Defence of *Sextus Roscius*, who stood arraigned for Parricide, has given an admirable Account of this Punishment, with the Reasons on which it was grounded; particularly, that the Malefactor was thrown into the Sea, sewed up in a Sack, for fear he should pollute that Element, which was reckoned the common Purifier of all Things: With many the like ingenious Reflections.

Besides the Punishments mentioned by *Sigonius*, who seems to consider the Roman People as in a free State, we meet with Abundance of others, either invented or revived in the Times of the Emperors, and especially in latter Ages: Among these, we may take notice of three, as the most considerable, *ad Ludos*, *ad Metalla*, *ad Bestias*.

The Lawyers divide *Ludus*, when they take it for a Punishment, into *Venatorius* and *Glaadiatorius* (*a*). By the former the convicted Persons (commonly Slaves) were obliged to engage with the wild Beasts in the Amphitheatre; by the latter, they were to perform the Part of *Gladiators*, and satisfy Justice by killing one another.

*Ad Metalla*, or a condemning to work in the Mines, *Suidas* would have to be invented by *Tarquinius Superbus* (*b*). Whatever Reason he had for this Assertion, it is certain we rarely find it mentioned till the Times of the later Emperors; and particularly in the Histories of the Persecutions of the *Christians*, who were usually sent in great Numbers to this laborious and slavish Employment, with the Name of *Metallici*.

The throwing of Persons to wild Beasts, was never put in Execution, but upon the vilest and most despicable Malefactors for Crimes of the highest Nature. This too was the common Punishment of the Primitive *Christians*, as mentioned by the Writers of their History. It may be observed, that the Phrase, *Ad Bestias dari* (*c*), affects as well such Criminals as were condemned to fight with the Beasts, as those who were delivered to them to be devoured: And the former of these were properly termed *Bestiarii* (*d*).

There is still one Punishment remaining, worthy of Observation, and which seems to have been proper to Incentaries, and that was the wrapping up the Criminal in a Sort of Coat,

(*a*) *Calvin. Lexicon Juridic.* (*b*) *In vobis est regnum.* (*c*) *Calvin. in vobis ad Bestias dari.* (*d*) *Ibid. in Bestiarii.*

daubed over with Pitch, and then set on Fire. Thus when *Nero* had burnt *Rome*, to satisfy his Curiosity with the Prospect; he contrived to lay the *Odium* on the *Christians*, as a Sort of Men generally detested; and seizing on all he could discover, ordered them to be lighted up in this Manner, to serve for Tapers in the Dark; which was a much more cruel Jest than the former, that occasioned it. *Juvenal* alludes to this Custom in his Eighth Satyr.

*Ausi quod liceat tunica punire molesta.*

To recompense whose barbarous Intent,  
*Pitch'd Shirts* wou'd prove a legal Punishment.

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## C H A P. XXI.

### *Of the ROMAN LAWS in general.*

**I**N the Beginning of the *Roman State*, we are assured all Things were managed by the sole Authority of the King, without any certain Standard of Justice and Equity. But when the City grew tolerably populous, and was divided by *Romulus* into thirty *Curiæ*, he began to prefer Laws at the Assembly of those *Curiæ*, which were confirmed, and universally received. The like Practice was followed by *Numa*, and several other Kings; all whose Constitutions being collected into one Body by *Sextus Papirius*, who lived in the Time of *Tarquin the Proud*, took from him the Name of *Fus Papirianum*.

But all these were abrogated soon after the Expulsion of the Royal Family, and the judicial Proceedings for many Years together depended only upon Custom, and the Judgment of the Court. At last, to redress this Inconvenience, Commissioners were sent into *Greece*, to make a Collection of the best Laws for the Service of their Country; and at their Return, the *Decemviri* were created to regulate the Business, who reduced them into twelve Tables, as has been already shewn. The Excellency of which Institution, as it is sufficiently set forth by most Authors, so is it especially beholden to the high *Encomium* of *Cicero*, when he declares it as his positive Judgment and Opinion, That *the Laws of the Twelve Tables are justly to be preferred to whole Libraries of the Philosophers* (a).

(a) *Cicer de Oratore*, lib. 1.

They

They were divided into three Parts ; of which the first related to the Concerns of Religion ; the second to the Rights of the Public ; and the last to private Persons.

The Laws being established, it necessarily followed, that there should be Disputations and Controversies in the Courts, since the Interpretation was to be founded upon the Authority of the Learned. This Interpretation they called *Jus Civile* ; though at present we understand by that Phrase, the whole System of the *Roman Laws*.

Besides, out of all these Laws the learned Men of that Time composed a Scheme of Forms and Cases, by which the Processes in the Courts were directed. These were termed *Aetiones Legis*.

We may add to these, the Laws preferred at the public Assemblies of the People ; and the *Plebiscita*, made without the Authority of the Senate, at the *Comitia Tributa*, which were allowed to be of equal Force with other Constitutions, though they were not honoured with the Title of *Leges*.

And then the *Senatus-consulta*, and Edicts of the supreme Magistrates, particularly of the *Prætors*, made up two more Sorts of Laws, the last of which they called *Jus Honoria-rium*.

And, lastly, when the Government was intrusted in the Hands of a single Person, whatever he ordained had the Authority of a Law, with the Name of *Principalis Cogni-tio*.

Most of these daily increasing, gave so much Scope to the Lawyers for compiling Reports and other Labour, that in the Reign of *Justinian*, there were extant two thousand distinct Volumes on this Subject. The Body of the Law being thus grown unwieldy, and rendered almost useless by its excessive Bulk, that excellent Emperor entered on a Design to bring it into just Dimensions ; which was happily accomplished by constituting those four Books of the *Civil Law*, which are now extant, and have contributed, in a great Measure, to the regulation of all the States of Christendom : So that the old Opinion of the *Romans*, relative to the Stability of their Laws, is not so vain as at first Sight it appears ; since by their admirable Construction, they are still likely to govern for ever, being the Edifice upon which other Nations have founded their Laws.

## C H A P. XXII.

*Of the Laws in particular; and first, Of those relating to RELIGION.*

**A**S for the Laws of the twelve Tables, and other more ancient Institutions, as it would require no ordinary Stock of Criticism barely to explain their Terms; so is the Knowledge of them almost useless, since they are so seldom mentioned by the Classics. Those which we generally meet with, are such as were preferred by some particular Magistrate, from whom they took their Names: These, on Account of their frequently occurring in the best Writings, deserve a short Explication, according to the common Heads laid down by those Authors, who have hitherto managed this Subject; beginning with such as concerned the public Worship, and the Ceremonies of Religion.

*Sulpicia Sempronia Lex*, the Authors *P. Sulpicius Saverio*, and *P. Sempronius Sophus*, in their Consulship, *A. 449*, ordaining, that no Person should consecrate any Temple, or Altar, without an Order of the Senate, and the major Part of the Tribunes (*a*).

*Papiria Lex*, the Author *L. Papirius*, Tribune of the Commons; commanding, that no Person should have the Liberty of consecrating any Edifice, Place, or Thing, without Leave of the Commons (*b*).

*Cornelia Lex*, the Author *L. Cornelius Sylla*, determining the Expences of Funerals (*c*).

*Sextia Licinia Lex*, the Authors *L. Sextius* and *Licinius*, Tribunes of the Commons, *A. 385*, commanding, that instead of the *Duumviri sacrifaciundis*, a *Decemvirate* should be created, part out of the *Patricians*, and part out of the Commons (*d*).

*Ogulnia Lex*, the Authors *Q. Ogulnii*, and *Cn. Ogulnii*, Tribunes of the Commons, *A. 453*, commanding, that whereas there were then but four *Pontifices*, and four *Augurs*, five more should be added out of the Commons to each Order (*e*).

(*a*) *Liz.* lib. 9. (*b*) *Cicero in Orat. pr: Dem: sua.* (*c*) *Plut.* in *Sylla.* (*d*) *Liz.* lib. 6. (*e*) *Liz.* lib. 12.

*Manlia Lex*, the Author *P. Manlius*, Tribune of the Commons, A. 557, enacted for the Revival of the *Tresviri Epulones*, an old Institution of *Numa's* (a).

*Clodia Lex*, the Author *P. Clodius* in his Tribunehip, A. 695, divesting the Priest of *Cybele* (or the Great Mother, who came from *Pessinum*) of his Office, and conferring it on *Brotigarus* a *Gallo-Græcan* (b).

*Papia Lex*, ordering the Manner of chusing the *Vestal* Virgins (c), as has been already described.

The Punishment of those holy Recluses is grounded on the Laws of *Numa*.

*Licinia Lex*, preferred by *C. Licinius Crassus*, Tribune of the Commons, A. 608, for transferring the Right of chusing Priests, from the College to the People (d); but it did not pass (e).

*Domitia Lex*, the Author *Cn. Domitius Abencbarbus*, Tribune of the Commons, A. 650, actually transferring the said Right to the People (f).

*Cornelia Lex*, the Author *L. Cornelius Sylla*, Dictator, and Consul with *Q. Metellus*, A. 677, abrogating the former Law of *Domitius*, and restoring the Privilege there mentioned to the College (g).

*Atia Lex*, the Author *T. Atius Labienus*, Tribune of the Commons, A. 690, repealing the *Cornelian* Law, and restoring the *Domitian* (h).

*Antonia Lex*, the Author *M. Antony* in his Consulship with *Julius Cæsar*, A. 709, abrogating the *Atian* Law, and restoring the *Cornelian* (i). *Paulus Manutius* has conjectured from several Reasons, that this Law of *Antony* was afterwards repealed, and the Right of chusing Priests entrusted to the People.

To this Head is commonly referred the Law on the Exemption from military Service, or *de Vacacione*, in which there was a very remarkable Clause, *Nisi Bellum Gallicum exoriatur: Unless in Case of a Gallic Insurrection*. In which Case, no Person, not the Priests themselves, were excused; the *Romans* apprehending more Danger from the *Gauls* than from any other Nation, as they had once taken their City (k).

As also the three Laws about the *Sacra*.

(a) *Cic. de Orat.* lib. 3. (b) *Idem Orat. pro Sest.* &c. *d. Harusp. Relig.* (c) *A. Gellius.* (d) *Cic. de Amicitia.* (e) *Idem.* (f) *Suet. in Ner. Patercul.* lib. 2. *Cic. Agrar.* 2. (g) *Afuentus in Divinatione.* (h) *Dic.* lib. 37. (i) *Dic.* lib. 44. (k) *Plut. in Marcell.* *Cic. pro Fentor. & Philip.* 8.

*Licinia Lex*, the Author *P. Licinius Varus*, *City-Prætor*, A. 545, settling the Day for the Celebration of the *Ludi Apollinares*, which before was uncertain (a).

*Roscia Lex Theatralis*, the Author *L. Roscius Otho*, *Tribune of the Commons*, A. 685, ordaining, that none should sit in the first fourteen Seats of the Theatre, unless they were worth four hundred *Sestertium*s, which was then reckoned the *Census Equitum* (b).

*Augustus Cæsar*, after several of the *Equestrian Families* had impaired their Estates in the Civil Wars, interpreted this Law so as to take in all those whose Ancestors ever had possessed the Sum there specified.

(a) *Liv.* lib. 27. *A'lex.* *Neapolitan.* &c. (b) *Cic.* *Philip.* 2. *Afcon.* in *Coriolan.* *Juvén.* Sat. 3. & 14. *Horat.* *Epod.* 4. *Epist.* 1.

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## C H A P. XXIII.

### Laws relating to the Rights and Privileges of the ROMAN Citizens.

*VALERIA Lex de Provocatione*, the Author *P. Valerius Poplicola*, sole Consul upon the Death of his Colleague *Bruetus*, A. 243, giving Liberty to appeal from any Magistrate to the People, and ordering that no Magistrate should punish a Roman Citizen in Case of such an Appeal (a).

*Valeria Horatia Lex*, the Authors *L. Valerius* and *M. Horatius*, Consuls, A. 304, reviving the former Law, which had lost its Force under the *Decemvirate* (b).

*Valeria Lex Tertia*, the Author *M. Valerius Corvinus*, in his Consulship with *Q. Apuleius Panza*, A. 453, no more than a Confirmation of the first *Valerian Law* (c).

*Porcia Lex*, the Author *M. Porcius*, *Tribune of the Commons*, in the same Year as the former; commanding, that no Magistrate should execute, or punish with Rods, a Citizen of Rome; but upon the Sentence of Condemnation, should give him Permission to go into Exile (d).

(a) *Liv.* lib. 9. *Plut.* in *Poplicol.* &c. (b) *Liv.* lib. 3. (c) *Liv.* lib. 10. *ibid.* lib. 12. (d) *Cic.* pro *Rabirio*. *Sabell.* in *Catilinar.* *Sueton.* in *Ner.* &c.

*Sempronia Lex*, the Author *C. Sempronius Gracchus*, Tribune of the Commons, A. 630, commanding, that no capital Judgment should pass upon a Citizen, without the Authority of the People, and making several other Regulations in this Affair (a).

*Papia Lex de Peregrinis*, the Author *C. Papius*, Tribune of the Commons, A. 688, commanding, that all Strangers should be expelled *Rome* (b).

*Junia Lex*, the Author *M. Junius Pennus*, confirming the former Law, and forbidding, that any Stranger should be allowed the Privilege of Citizens (c).

*Servilia Lex*, the Author *C. Servilius Glaucia*, ordaining, that if any *Latin* accused a *Roman Senator*, so that he was convicted, the Accuser should be honoured with the Privilege of a Citizen of *Rome* (d).

*Licinia Mutia Lex*, the Authors, *L. Licinius Crassus*, and *Q. Mutius Scævola*, in their Consulship, A. 658, ordering all the Inhabitants of *Italy* to be enrolled in the List of Citizens, in their own proper Cities (e).

*Livia Lex de Sociis*: In the Year of the City 662, *M. Liviis Drusus* proposed a Law to make all the *Italians* free Denizens of *Rome*; but before it came to be voted, he was found murdered in his House, the Author unknown (f).

*Varia Lex*: Upon the Death of *Drusus*, the Knights prevailed with his Colleague *Q. Varius Hybrida*, to bring in a Bill for the prosecuting all such Persons as should be discovered to have assisted the *Italian* People, in the Petition for the Privilege of the City (g).

*Julia Lex de Civitate*: The next Year, upon the Revolt of several States in *Italy* (which they called the *Social War*) *L. Julius Cæsar*, the Consul, made a Law, that all those People, who had continued firm to the *Roman Interest*, should have the Privilege of Citizens (h): And in the Year 664, upon the Conclusion of that War, all the *Italian* People were admitted into the Roll of Free Denizens, and divided into eight new Tribes (i).

*Sylvani & Carbonis Lex*, the Authors *Syphannus* and *Carbo*, Tribunes of the Commons, in the Year 664, ordaining, that any Persons who had been admitted Free Denizens of any of the Confederate Cities, and had a Dwelling in *Italy* at the

(a) *Cic. pro Rabirii, pro Domo sua, pro Cluentio, &c.* (b) *Cic. pro Paito*.  
 (c) *Cic. de Offic. lib. 3.* (d) *Afson. in Orat. pro Scauri. Cic. pro Balbo.* (e) *Cic. de Offic. lib. 3. & pro Balbo.* (f) *Flr. lib. 3. cap. 17. Cic. de Leg. lib. 3*.  
 (g) *Cic. in Brut. Val. Max. lib. 8. cap. 6.* (h) *Cic. pro Balbo.* (i) *Afson. lib. 1.*

Time of making this Law, and had carried in their Names to the *Prætor* in sixty Days, should have the Privilege of Citizens of *Rome* (a).

*Sulpicia Lex*, the Author *P. Sulpicius, Tribune of the Commons, A. 666*, ordaining, that the new Citizens, who composed the eight Tribes, should be divided among the thirty-five old Tribes, as a greater Honour (b).

*Cornelia Lex*, the Author *L. Cornelius Sylla, 670*, a Confirmation of the former Law, to please the *Italian Confederates* (c).

*Cornelia Lex de Municipiis*, the Author the same *Sylla*, in his Dictatorship, taking away the Privileges formerly granted to the Corporate Towns, from as many as had assisted *Marius, Cinna, Sulpicius*, or any of the contrary Faction (d).

*Gellia Cornelia Lex*, the Authors *L. Gellius Poplicola and Cn. Cornelius Lentulus, A. 681*, ordaining, that all those Persons whom *Pompey*, by his own Authority, had honoured with the Privilege of the City, should keep that Liberty (e).

(a) *Cic. pro Archia.* (b) *Plut. in Sylla. Epit. Liv. 77.* (c) *Epit. Liv. 68.*  
(d) *Cic. pro Domo sua.* (e) *Cic. pro Balbo.*

## CHAP. XXIV.

### Laws concerning Meetings and Assemblies.

*AELIA Lex*, ordaining, that in all Assemblies of the People, the *Augurs* should make Observations from the Heavens; and, that the Magistrate should have the Power of declaring against Proceeding, and of interposing in the Decision of any Matter.

*Fusia Lex*, ordaining, that upon some certain Days, though they were *Fasli*, it should be unlawful to transact any Thing in a Meeting of the People.

The Authors of these two Laws are unknown; but *P. Manutius* conjectures, that the first is owing to *Q. Aelius Paetus*, Consul with *M. Junius Pennus, A. 586*. The other to *P. Furius, or Fusius*, Consul with *S. Attilius Serranus, A. 617*. The Laws themselves frequently occur in Writers.

*Clodia Lex*, the Author *P. Clodius, Tribune of the Commons, A. 693*, containing an Abrogation of the greatest Part of

of the two former Laws, and ordering, That no Observation should be made from the Heavens upon the Days of the *Comitia*; and, That on any of the *Dies Festi*, Laws might be enacted in a public Assembly (a).

*Curia Lex*, the Author *M. Curius Dentatus*, Tribune of the Commons, A. 455, ordaining, That no *Comitia* should be convened for the Election of Magistrates, without the Approbation of the Senate: *Ut ante Comitia Magistratum Patres auctores fierent* (b).

*Claudia Lex*, the Author, *M. Claudius Marcellus*, Consul with *Serv. Sulpicius Rufus*, A. 702, ordering, That at the *Comitia* for the Election of Magistrates, no Account should be taken of the Absent (c).

*Gabinia Lex*, the Author *A. Gabinius*, Tribune of the Commons, A. 614, commanding, That in the *Comitia* for the Election of Magistrates, the People should not give their Suffrages *viva voce*, but by Tablets, for the greater Freedom and Impartiality of the Proceedings (d).

*Caffia Lex*, enacted about two Years after, commanding, That in the Courts of Justice, and in the *Comitia Tributa*, the Votes should be given in a free Manner; that is, by Tablets (e).

*Papiria Lex*, the Author *C. Papirius Carbo*, Tribune of the Commons, A. 621, ordaining, That in the *Comitia* about the passing or rejecting of Laws, the Suffrages should be given by Tablets (f).

*Cælia Lex*, the Author *Cælius*, Tribune of the Commons, A. 635, ordaining, That in the judicial Proceedings before the People, in Cases of Treason (which had been excepted by the *Caffian Law*) the Votes should be given by Tablets (g).

*Sempronia Lex*, the Author *C. Sempronius Gracchus*, in the same Year as the former; ordering, that the Centuries should be chosen out by Lot to give their Votes, and not according to the Order of the *Clæsses* (h).

*Maria Lex*, the Author *C. Marius*, Tribune of the Commons, A. 634, ordering the Bridges, or long Plancks, on which the People stood in the *Comitia* to give their Voices, to be made narrower, that no other Person might stand there, to hinder the Proceedings by Appeals or other Disturbances (i).

(a) *Afen. in Piso.* (b) *Cic. de claris Oratoribus.* (c) *Suet. in Jul.* (d) *Cic. de Amicit. &c. de Plancto. &c. de Leg. lib. 3.* (e) *Cic. in Lælio.* (f) *C. de Leg. lib. 3.* (g) *Ib. Ibid.* (h) *Sallust. in Orat. 2. ad Cæsarem.* (i) *Cic. de Leg. lib. 3. Taut. in Mariis.*

*Sempronia Lex*, the Author *C. Sempronius Gracchus*, Tribune of the Commons, A. 565, ordaining, That the *Latin Confederates* should have the Privilege of giving their Suffrage, as well as the *Roman Citizens* (a).

*Manilia Lex*, the Author *C. Manilius*, Tribune of the Commons, A. 687, ordering, That the *Libertini* should have the Privilege of Voting in all the Tribes (b).

*Gabinia Lex*, a Confirmation of an old Law of the twelve Tables, making it a capital Offence for any Person to convene a clandestine Assembly (c).

(a) *Cic. sest. 1. 1. 1.* (b) *Cic. pro lege Manilia.* (c) *Salust in Catilinar.*

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## C H A P. XXV.

### LAWs relating to the SENATE.

*CASSIA Lex*, the Author *L. Cassius Longinus*, Tribune of the Commons, A. 649, ordaining, That no Person who had been condemned or deprived of his Office by the People, should have the Privilege of coming into the Senate (a).

*Claudia Lex*, the Author *Q. Claudius*, Tribune of the Commons, A. 535, commanding, That no Senator, or Father of a Senator, should possess a sailing Vessel of above three hundred *Amphoræ*: This was thought big enough for the bringing over Fruits and other Necessaries; and as for Gain, procured by Trading in Merchandise, they thought it unworthy the Dignity of that Order (b).

*Sulpicia Lex*, the Author *Servius Sulpicius*, Tribune of the Commons, A. 665, requiring, That no Senator should owe above two thousand *Drachmæ* (c).

*Sentia Lex*, the Author (probably) *C. Sentius*, Consul with *Q. Lucretius*, A. 734, in the Time of *Augustus*; ordering, That in the Room of such Noblemen as were wanting in the Senate, others should be substituted (d).

*Gabinia Lex*, the Author, *A. Gabinius*, Tribune of the Commons, A. 685, ordaining, That the Senate should be convened from the Kalends of February, to the Kalends of March, every Day, for giving Audience to foreign Ministers (e).

(a) *Aforn. in Cornelian.* (b) *Cic. Ferrin. 7.* (c) *Plut. in Sylla.* (d) *Tacit. Ann. 2.* (e) *Cic. Epist. ad Q. Caia. Fratr. lib. 2. ep. 12.*

*Pupia Lex*, ordaining, That the Senate should not be convened from the Eighteenth of the Kalends of February, to the Kalends of the same Month; and that before the Embassies were either accepted or rejected, the Senate should be held on no other Account (a).

*Tullia Lex*, the Author *M. Tullius Cicero*, Consul with *C. Antony*, A. 690, ordaining, that such Persons to whom the Senate had allowed the Favour of a *Libera Legatio*, should hold that Honour no longer than a Year. *Libera Legatio* was a Privilege that the Senators often obtained for going into any Province, or Country, where they had some private Business, in the Quality of Lieutenants; though with no Command, but only that the Dignity of their Titular Office might have an Influence on the Management of their private Concerns (b).

(a) *Cic.* lib. 1. ep. 4. *ad Lentul.* lib. 2. ep. 2. *ad Quin. Fratr.* &c. (b) *Cic.* *de Leg.* lib. 3.

## C H A P. XXVI.

### Laws relating to the MAGISTRATES.

*LEX Villia Annalis*, or *Annaria*, the Author *L. Villius* (for whom we sometimes find *L. Julius*, or *Lucius Tullus*) Tribune of the Commons, A. 574, defining the proper Age requisite for being appointed to the Magistracies (a). *Livy*, who relates the making of this Law, does not insist on the particular Ages; and learned Men are very much divided on it. *Lipsius* states the Difference after this Manner: The Age proper to sue for the *Quæstorship*, he makes twenty-five Years; for the *Ædiles* and *Tribunes*, twenty-seven or twenty-eight; thirty for the *Prætor*, and forty-two for the *Consuls*.

*Genutia Lex*, the Author *L. Genutius*, Tribune of the Commons, A. 411, commanding, That no Person should bear the same Magistracy within the Period of ten Years, nor should be invested with two Offices in one Year (b).

*Cornelia Lex*, the Author *Cornelius Sylla* the Dictator, A. 673, a Repetition and Confirmation of the former Law (c).

*Sempronia Lex*, the Author *C. Sempronius Gracchus*, Tribune of the Commons, A. 630, ordaining, That no Person, who had been lawfully deprived of his Magistracy, should be capable of bearing an Office again. This was abrogated afterwards by the Author (d).

(a) *Liv.* lib. 40. (b) *Idem*, lib. 7. (c) *Affl. av.* lib. 1. *Bell. Cret.*  
(d) *Plut.* in *Gracchis*.

*Cornelia*

*Cornelia Lex*, the Author *L. Cornelius Sylla*, Dictator; ordaining, That such Persons as had embraced his Party in the late Troubles, should have the Privilege of bearing Honours before they were capable by Age; and that the Children of those who had been proscribed, should lose the Power of standing for any Office (*a*).

*Hirtia Lex*, the Author *A. Hirtius*; ordaining, That none of Pompey's Party should be admitted to any Dignity (*b*).

*Sextia Licinia Lex*, the Authors *C. Licinius* and *L. Sextius*, Tribunes of the Commons, A. 386; ordaining, That one of the Consuls should be chosen out of the Body of the Commons (*c*).

*Genutia Lex*, the Author *L. Genutius*, Tribune of the Commons, A. 411; making it lawful that both Consuls might be taken out of the Commons (*d*).

*Cornelia Lex*, the Author *L. Cornelius Sylla*, Dictator, A. 673; ordaining, That the Praetors should always use the same Method in judicial Processes. For the Praetors used, upon the Entrance on their Office, to put up an Edict to shew what Way they designed to proceed in all Causes during their Year: These Edicts, which before commonly varied, were by this Law ordered to be always the same, for the preserving a constant and regular Course of Justice (*e*).

*Marcia Lex*, the Author *Marcius Censorinus*, forbidding any Person to bear the Censorship twice (*f*).

*Clodia Lex*, the Author *P. Clodius*, Tribune of the Commons, A. 695; ordering, That the Censors should put no Mark of Infamy on any Person in their general Surveys, unless the Person had been accused and condemned by both the Censors; whereas before, they used to punish Persons, by omitting their Names in the Surveys, and by other Means, whether they were accused or not: And what one Censor did, unless the other actually interposed, was of equal Force, as if both had joined in the Action (*g*).

*Cæcilia Lex*, the Author *Q. Cæcilius Metellus Pius Scipio*, Consul with Pompey the Great, A. 701, restoring their antient Dignity and Power to the Censors, which had been retrenched by the former Law (*b*).

*Antonia Lex*, the Author *M. Antony*, a Member of the Triumvirate; ordaining, That for the future, no Proposel should be ever made for the Creation of a Dictator; and that no Person should ever accept of that Office, upon Pain of incurring a capital Penalty (*i*).

(*a*) *Plin. lib. 7. Quintil. lib. 11 cap. 1. Cic. in Pisen.* (*b*) *Cic. Philip. 13. (c) Liv. lib. 6. (d) *Idem. lib. 7. (e) Cic. Philip. 2. (f) Plut. in Coriol. (g) Cic. in Tijon. frs Miln. pro Seclis, &c. (h) *Dic. lib. 40. (i) Appian. de Bello C. et lib. 3.***

*Titia Lex*, the Author *P. Titius*, Tribune of the Commons, A. 710; ordaining, That a Triumvirate of Magistrates, invested with Consular Power, should be settled for five Years, for regulating the Commonwealth; and that the Honour should be conferred on *Oetavius*, *Lepidus*, and *Antony* (a).

*Valeria Lex*, the Author *P. Valerius Poplicola*, sole Consul, A. 243; ordaining, That the public Treasure should be laid up in the Temple of *Saturn*, and that two *Quæstors* should be created to supervise it (b).

*Junia Sacrata Lex*, the Author *L. Junius Brutus*, the first Tribune of the Commons, A. 260, ordaining, That the Persons of the Tribunes should be sacred: that an Appeal might be made to them from the Determinations of the *Consuls*: And, that none of the Senators should be capable of that Office (c).

*Atinia Lex*, the Author *Atinius*, Tribune of the Commons; ordaining, That any Tribune of the Commons should have the Privilege of a Senator; and, as such, take his Place in the House (d).

*Cornelia Lex*, the Author *L. Cornel. Sylla*, Dictator, A. 673. taking from the Tribunes the Power of making Laws, and of interposing, of holding Assemblies and receiving Appeals, and making all that had filled that Office, incapable of any other Dignity in the Commonwealth (g).

*Aurelia Lex*, the Author *C. Aurelius Cotta*, Consul with *L. Oetavius*, A. 678, an Abrogation of some Part of the former Law, allowing the Tribunes to hold other Offices afterwards (f).

*Pompeia Lex*, the Author *Pompey the Great*, Consul with *M. Crassus*, A. 633, restoring their full Power and Authority to the Tribunes, which had been taken from them by the *Cornelian Law* (g).

(a) *Fler Epit. Liv.* lib. 120. (b) *Liv.* lib. 2. *Plut.* in *Pothec.* (c) *Dixys.* lib. 6. (d) *A. Gell.* lib. 14. cap. ult. (e) *Cic. de Leg.* lib. 3. *Cato* in *Caecilius ad Bell. Gall.* lib. 1. *Fler.* *Plut.* Sec. (f) *Patercul.* lib. 2. *Athen.* in *Cicer.* lib. 1. (g) *Plut.* in *Pomp.* *Afri.* sec. 1. *Cic. de Brd.* *Cic.* lib. 1.

## C H A P. XXVII.

## Laws relating to Public Constitutions, Laws, and Privileges.

**HORTENSIA Lex**, the Authors *Q. Hortensius*, Dictator, *A. 467*, ordaining, That whatever was enacted by the Commons, should be observed by the whole *Roman People*; whereas the Nobility had been formerly exempted from paying Obedience to the Decrees of the Populace (*a*).

*Cæcilia Didia Lex*, the Authors *Q. Cæcilius Metellus* and *T. Didius*, Consuls, *A. 655*, for regulating the Proceedings in enacting Laws; ordaining, That in one *Question* (*unâ rogatione*) but one single Matter should be proposed to the People; lest, while they gave their Suffrage in one Word, they should be forced to assent to a whole Bill, if they liked the greatest Part of it, though they disliked the rest; or throw out a Bill for several Clauses which they did not approve of, though perhaps they would have been willing to pass some Part of it. Requiring also, that before any Law was preferred at the *Comitia*, it should be exposed to the public View three Market-Days (*tribus nundinis*) before-hand (*b*).

*P. Manutius* makes the *Cæcilian* and *Didian* two distinct Laws; the first Part composing the former, and the other the latter.

*Junia Licinia Lex*, the Authors *D. Junius Silanus* and *L. Licinius Muræna*, Consuls, *A. 691*, ordaining, That such as did not observe the former Law, relative to publishing the Draughts of new Bills for three *Nundinæ*, should incur a greater Penalty than the said Law enjoined (*c*).

*Licinia Æbutia Lex*, the Authors *Licinius* and *Æbutius*, Tribunes of the Commons; ordaining, That when any Law was preferred relating to any Charge or Power, not only the Person who brought in the Bill, but likewise his Colleagues in any Office which he already enjoyed, and all his Relations, should be incapable of being invested with the said Charge or Power (*d*).

(*a*) *Flor. Epit. Liv.* lib. 11.      (*b*) *A. Gell. lib. 15. cap. 27.* *Cic. Philip.*  
5. *pro Domo, ad Attic.* Epist. 9. lib. 2.      (*c*) *Cic. Philip.* 3. *Alt. ad Epist.*  
5. lib. 2. Epist. 15. lib. 4.      (*d*) *Cic. in Orat. 2. contra Rull.* & *in Orat.*  
*pro Domo, súa.*

*Cornelia Lex*, the Author *C. Cornelius*, Tribune of the Commons, A. 686, ordaining, that no Person should, by the Votes of the Senate, be exempted from any Law, (as used to be allowed upon extraordinary Occasions) unless two hundred Senators were present in the House; and that no Person thus excused by the Senate, should hinder the Bill of his Exemption from being carried afterwards to the Commons for their Approbation (*a*).

*Ampia Labiena Lex*, the Authors *T. Ampius* and *T. Labienus*, Tribunes of the Commons, A. 693, conferring an honourable Privilege on *Pompey the Great*, that at the *Circenian Games* he should wear a Golden Crown, and be habited in all the Triumphal Robes; and that at the Stage Plays he should have the Liberty of wearing the *Prætexta*, and a Golden Crown (*b*).

(*a*) *Afcon.* in *Cornel.*

(*b*) *Vell. Paterv.* lib. 2.

## C H A P. XXVIII.

### LAWs relating to the Provinces, and the Governors of them

*Empronia Lex*, the Author *C. Sempronius Gracchus*, Tribune of the Commons, A. 630, ordaining, that before the annual *Comitia* for chusing *Consuls*, the Senate should, at their Pleasure, determine the particular Consular Provinces, which the new *Consuls*, when designed, should divide by Lot. As also, that whereas formerly the *Tribunes* had been allowed the Privilege of interposing against a Decree of the Senate, they should be deprived of that Liberty for the future (*a*).

*Cornelia Lex*, the Author *L. Cornelius Sylla*, *Dictator*, A. 673, ordaining, that whoever was sent with any Command into a Province, should hold that Command till he returned to *Rome*; whereas before, their Officer was to continue no longer than a set Time; upon the Expiration of which, if no Successor was sent in their Room, they were put to the Trouble and Inconvenience of getting a new Commission from the Senate.

It was a Clause in this Law, that every Governor of a Province, when another was sent to succeed him, should have thirty Days allowed him in Order to his Removal (*b*).

(*a*) *Cic. pro Domo sua*, in *Vatin.* de *Provinciis Consul.* *Salust.* in *Bell. Iugurth.*  
 (*b*) *Cicer. Epist. 9. ad Lentul.* & lib. 3. ad Attic. Epist. 6.

*Julia Lex Prima*, the Author *C. Julius Cæsar*, *Consul* with *M. Calpurnius Bibulus*, *A. 691*. comprised under it several Heads ; as that *Achaia*, *Thessaly*, and all *Greece*, should be entirely free ; and that the *Roman Magistrates* should sit as Judges in those Provinces (a) : That the Towns and Villages thro' which the *Roman Magistrates* passed to the Provinces, should be obliged to supply them and their Retinue with Hay and other Conveniences on the Road (b) : That the Governors, when their Office was expired, should leave a Scheme of their Accounts in two Cities of their Provinces ; and at their Arrival at *Rome*, should deliver in a Copy of the said Accounts at the public Treasury (c) : That the Governors of Provinces should upon no Account accept of a Golden Coronet, unless a Triumph had been decreed them by the Senate (d) : That no chief Commander should go beyond the Bounds of his Province, or enter on any other Dominions, or lead the Army out, or engage in any War, without the express Order of the Senate or People (e).

*Julia Lex Secunda*, the Author the same *Julius Cæsar*, in his Dictatorship, ordaining, that no *Prætorian Province* should be held above a Year, and no *Consular Province* more than two Years (f).

*Clodia Lex*, the Author *P. Clodius*, *Tribune of the Commons*, *A. 695*, ordaining, that all *Syria*, *Babylon*, and *Persia*, should be committed to *Gabinius* the *Consul*; and *Macedon*, *Achaia*, *Thessaly*, *Greece*, and *Bœotia* to his Colleague *Piso*, with the Proconsular Power ; and that a Sum should be paid them out of the Treasury to defray the Charges of their March thither with an Army (g).

*Vatinia Lex*, the Author *P. Vatinius*, *Tribune of the Commons*, *A. 694*, ordaining, that the Command of all *Gallia Cisalpina*, and *Illyricum*, should be conferred on *Cæsar* for five Years together, without a Decree of the *Senate*, and without the Formality of casting Lots : That the particular Persons mentioned in the Bill, should go with him in the Quality of *Legati*, without the Deputation of the *Senate* : That the Army to be sent with him should be paid out of the Treasury ; and that he should transplant a Colony into the Town of *Novocomum* in *Gallia* (h).

(a) *Cic. pro Domo*, in *Pisonem*, & *de Provinc. Consul*. (b) *Cicero* in *Pisonem*.  
 (c) *Ibid.* (d) *Ibid.* (e) *Ibid.* & *pro Posthum.* (f) *Cicero* *Philp. 3.* (g) *Cicero* *pro Domo*, & *pro Sextio*. (h) *Cicero* in *Vatinium*, & *pro Balbo*, *Sueton.* in *Julio. Salust.* in *Jugurth.*

*Clodia Lex de Cypro*, the Author *P. Clodius*, Tribune of the Commons, A. 695, ordaining, that the Island of *Cyprus* should be reduced into a *Roman Province*: That *Ptolemy King of Cyprus*, should be publicly exposed to Sale, habited in all his Regal Ornaments; and his Goods in like Manner sold by Auction: That *M. Cato* should be sent with the *Prætorian Power* into *Cyprus*, to take Care of selling the King's Effects, and conveying the Money to *Rome* (a).

*Trebonia Lex*, the Author *L. Trebonius*, Tribune of the Commons, A. 698, decreeing the chief Command in *Gallia* to *Cæsar*, five Years longer than had been ordered by the *Vatinian Law*; and so depriving the Senate of the Power of recalling him, and substituting another General in his Room (b).

*Titia Lex*, barely mentioned by *Cicero* (c), and not explained by *Manutius* or *Rosinus*. The Purport of it seems to have been, that the Provincial *Quæstors* should take their Places by Lot, in the same Manner as the *Consuls* and *Prætors*; as may be gathered from the Scope of the Passage in which we find it.

(a) *Cicero pro Domo, pro Sextio, de Provin. Consular.* (b) *Cicero, lib. 8, 9, 10. Epist. ad Attic. Florus, Epit. Liv. lib. 105.* (c) In *Orat. pro Muræna.*

## C H A P. XXIX.

### LEGES AGRARIÆ, or Laws relating to the Division of Lands among the People.

*Caffia Lex*, the Author *Sp. Caffius Viscellinus*, Consul with *Proculus Virginius*, A. 267, ordaining, that the Land taken from the *Hernici* should be divided half among the *Latins*, and half among the *Roman Commons* (a). This Law did not hold.

*Licinia Lex*, the Author *C. Licinius Stolo*, Tribune of the Commons, A. 377, ordaining, that no Person should possess above five hundred Acres of Land; or keep more than an hundred Head of great, or five hundred Head of small Cattle (b).

*Flaminia Lex*, the Author *C. Flaminius*, Tribune of the Commons, A. 525, ordaining, that *Picenum*, a Part of *Gallia*,

(a) *Liv. lib. 2. Valer. Max. lib. 5. cap. 8.*

(b) *Liv. lib. 6. Apian. A Gellius. Plin. Patrul. Plutarch. &c.*

whence the *Seniores* had been expelled, should be divided among the *Roman Soldiers* (a).

*Sempronia Lex prima*, the Author *T. Sempronius Gracchus*, Tribune of the Commons, A. 620, confirming the *Licinian Law*, and requiring all Persons who held more Land than that Law allowed, immediately to resign it into the Common, to be divided among the poorer Citizens, constituting three Officers to take care of the Business (b).

This Law being levelled directly against the Interest of the richer Men of the City, who had by Degrees contrived to engross almost all the Land to themselves, after great Heats and Tumults, at last cost the Author his Life.

*Sempronia Lex altera*, preferred by the same Person, upon the Death of King *Attalus*, who left the *Roman State* his Heir: It ordained, that all the ready Money found in the King's Treasury should be bestowed on the poorer Citizens, to supply them with Instruments and other Conveniences required for Agriculture; And that the King's Lands should be farmed at an annual Rent by the *Censors*; which Rent should be divided among the People (c).

*Thoria Lex*, the Author *Sp. Thorius*, Tribune of the Commons, ordaining, that no Person should pay any Rent to the People, of the Lands which he possessed; and regulating the Affair of Grazing, and Pasture (d). Two large Fragments of this Law, which was of a great Length, are copied from two old brazen Tables, by *Sigonius* (e).

*Cornelia Lex*, the Author *L. Cornelius Sylla*, *Dicator*, and *Consul* with *Q. Metellus*, A. 673, ordaining that the Lands of proscribed Persons should be common. This is chiefly to be understood of the Lands in *Tuscany*, about *Volaterræ* and *Fesulæ*, which *Sylla* divided amongst his Soldiers (f).

*Servilia Lex*, the Author *P. Servilius Rullus*, Tribune of the Commons, A. 690, in the Consulship of *Cicero* and *Antony*, containing many Particulars, about selling several Houses, Fields, &c. that belonged to the public, for the purchasing Land in other Parts of *Italy*; about creating ten Men to be Supervisors of the Business, and Abundance of other Heads; several of which are repeated by *Cicero* in his three Orations extant against this Law, by which he hindered it from passing.

(a) *Cic. in Cat. Mair.* (b) *Cic. pro Sextio, Plut. &c.* (c) *Cic. Verr. 5. Fin. Ecc.* (d) *Cic. de Orat. lib. 2. &c. in Brut.* (e) *De Antiq. Jur. Ital. 10. 1.* (f) *Cic. in Rullum, pro Rege, Sallust. in Catilin.*

*Flavia Lex*, the Author *L. Flavius*, Tribune of the Commons, A. 693, about dividing a sufficient Quantity of Land among Pompey's Soldiers and the Commons (a).

*Julia Lex*, the Author *Julius Cæsar*, Consul with *Bibulus*, A. 691, ordaining, that all the Land in *Campania*, which used formerly to be farmed at a set Rent of the State, should be divided among the Commons: As also, that all Members of the Senate should swear to confirm this Law, and to defend it against all Opposers. *Cicero* calls this *lex Campania* (b).

*Mamilia Lex*, the Author *C. Mamilius*, Tribune of the Commons, in the Time of the *Jugurthine War*; ordaining, that in the Bounds of the Lands, there should be left five or six Foot of Ground, which no Person should convert to his private Use, and that Commissioners should be appointed to regulate this Affair (c). From this Law *de limitibus*, the Author took the Surname of *Limetanus*, as he is called by *Sallust* (d).

(a) *Cicer. ad Attic. lib. 1.* (b) *Vell. Pat. lib. 2. Plut. in Pomp. Cæs. & Cat. Uticens. ad Attic. Lib. 2. Epit. 18.* (c) *Cicer. lib. 1. de Leg.* (d) In *Bell. Jugurth.*

## C H A P. XXX.

### LAWs relating to CORN.

*Sempronia Lex*, the Author *C. Sempronius Gracchus*, (not *T. Sempronius Gracchus*, as *Rosinus* has it) ordaining, that a certain Quantity of Corn should be distributed every Month among the Commons, so much to every Man; for which they were only to pay the small Consideration of a *Semissis* and a *Triens* (a).

*Terentia Cassia Lex*, the Author *M. Terentius Varro Læculus*, and *C. Cassius*, Consuls, A. 680, ordaining, that the same set Price should be given for all Corn bought up in the Province, to hinder the Exactions of the *Quæstors* (b).

*Clodia Lex*, the Author *P. Clodius*, Tribune of the Commons, A. 695, ordaining, that those Quantities of Corn, which were formerly sold to the poor People at six *Affes* and a *Triens* the Bushel, should be distributed among them *gratis* (c).

*Hicronica Lex*, the Author *Hiero*, Tyrant of Sicily, regulating the Affair between the Farmers and the *Decumani*, (or

(a) *Fler. Epit. Liv. lib. 60. Vell. Pat. lib. 2. &c.* (b) *Cic. in Ferrem. 5.*  
(c) *Cicer. pro Sexto, in Pif. n. &c.*

Gatherers of the Corn-Tax, which because it consisted of a tenth Part, they called *Decumæ*,) ordaining the Quantity of Corn, the Price, and the Time of receiving it; which for the Justice of it, the *Romans* still continued in Force, after they had possessed themselves of that Island (a).

(a) *Cicero in Verr. 41.*

## C H A P. XXXI.

### LAWs for the regulating of EXPENCES.

*Orcia Lex*, the Author *C. Orchius*, Tribune of the Commons, A. 566, determining the Number of Guests which were allowed to be present at any Entertainment (a).

*Fannia Lex*, the Author *C. Fannius*, Consul A. 588, ordaining, that upon the higher Festivals, no Person should expend more than an hundred *Affes* in a Day; or ten other Days in every Month, thirty *Affes*; and at all other Times, ten (b).

*Didia Lex*, enacted about eighteen Years after the former, ordaining, that the Laws for regulating Expences should reach all the *Italians*, as well as the Inhabitants of *Rome*; and that not only the Makers of extravagant Treats, but the Guests too, should incur a Penalty for their Offence (c).

*Lex Licinia*, the Author *P. Licinius Crassus the Rich*; agreeing in most Particulars with the *Fannian* Law; and farther prescribing, that on the *Kalends*, *Nones*, and *Nundinæ*, thirty *Affes* should be the most that was spent at any Table; and

that on ordinary Days, which were not particularly excepted, there should be spent only three Pounds of dry Flesh, and one Pound of Salt Meat; but allowing as much as every Body pleased of any Fruits of the Ground.

*Cornelia Lex*, the Author *L. Cornelius Sylla*, enacted, not so much for the retrenching of extravagant Treats, as for the lowering the Price of Provisions (d).

*Emilia Lex*, the Author *M. Æmilius Lepidus*, Consul, about A. 675, respecting the particular Sorts of Meats in Use at that Time, and stating the just Quantities allowable of every Kind (e).

(a) *Minell. Sistern.* lib. 2. cap. 14. (b) *Ibid.* & *A. Gell.* lib. 2. cap. 24. (c) *Ibid.* & *A. Gell.* lib. 2. cap. 24. (d) *A. Gell.* lib. 2. cap. 24. (e) *Ibid.*

*Antia Lex*, the Author *Antius Refio*: A farther Essay toward suppressing Luxury, the Particulars of which we are not acquainted with. But *Macrobius* gives us this remarkable Story of the Author, that finding his Institution to be of very little Force, by Reason of the great Head that Prodigality and Extravagance had gained in the City, he never afterwards supped abroad as long as he lived, for fear he should be forced to be a Witness of the Contempt of his own Injunction, without being in a Condition to punish it (a).

*Julia Lex*, preferred in the Time of *Augustus*, allowing two hundred *Sestertii* for the Provisions on the *Dies Profecti*, three hundred on the common Festivals in the Kalendar, and a thousand at Marriage-Feasts, and such extraordinary Entertainments (b).

*A. Gellius* farther adds, that he finds in an old Author, an Edict either of *Augustus* or *Tiberius*, (he is uncertain which) raising the Allowance according to the Difference of the Festivals, from three hundred to two thousand *Sestertii* (c).

Hither may be referred the *Lex Oppia*, the Author *C. Oppius*, Tribune of the Commons A. 540, in the Heat of the second Punic War; ordaining, that no Woman should have above half an Ounce of Gold, wear a Party-coloured Garment, or be carried in a Chariot in any City, Town, or to any Place within a Mile's Distance, unless upon the Account of celebrating some sacred Solemnity (d).

(a) *Macrobi.* & *A. Gell.* (b) *A. Gell.* (c) *Ibid.* (d) *Liv.* lib. 34. Tacit. *Ann.* 3.

## C H A P. XXXII.

## LAWS relating to MARTIAL AFFAIRS.

*SACRATA Lex Militaris*, the Author, probably, *M. Valerius Corvus*, Dictator, A. 411, ordaining, that no Soldier's Name which had been entered in the Muster-Roll, should be struck out, unless by the Party's Consent: And that no Person, who had been Military Tribune, should execute the Office of *Ductor Ordinum* (a).

*Sempronia Lex*, the Author *C. Sempronius Gracchus*, Tribune of the Commons, A. 630, ordaining, that the Soldiers should receive their Cloaths *gratis* at the public Charge, without any Diminution of their ordinary Pay: And that no one should be obliged to serve in the Army, who was not seventeen Years old (b).

*Maria Porcia Lex*, the Authors *L. Marius* and *Porcius Cato*, Tribunes of the Commons, A. 691, ordaining, that a Penalty should be inflicted on such Commanders as writ falsly to the Senate, about the Number of the Slain on the Enemies Side, and of their own Party: And that they should be obliged, when they first entered the City, to take a solemn Oath before the *Quæstors*, that the Number which they returned was true, according to the best Computation (c).

*Sulpicia Lex*, the Author *P. Sulpicius*, Tribune of the Commons, A. 665, ordaining, that the chief Command in the *Mithridatic War*, which was then enjoyed by *L. Sylla*, should be taken from him and conferred on *C. Marius* (d).

*Gabinia Lex*, the Author *A. Gabinius*, Tribune of the Commons, A. 685, ordaining, that a Commission should be granted to *Cn. Pompey*, for the Management of the War against the Pirates for three Years, with this particular Clause, that upon all the Sea on this Side *Hercules's Pillars*, and in the Maritime Provinces as far as 400 *Stadia* from the Sea, he should be empowered to command Kings, Governors, and States, to supply him with all Necessaries in the Expedition (e).

(a) *Iust. lib. 7.* (b) *Plut. in C. Gracch.* (c) *Valer. Max. Lib. 2. cap. 8.*  
 (d) *Vell. Patere lib. 2. Fltr. Epit. 77.* *Plutarch in Sylla & Marius, &c.* (e) *Af-  
 farius in Cornelian. Vell. Patere, lib. 2. Plutarch. in Pomp. Cicero de Lege Ma-  
 rilia. & p[ro]p[ter]e Reditum in Senat.*

*Manilia Lex*, the Author *C. Manilius*, Tribune of the Commons, A. 687, ordaining, That all the Forces of *Lucullus*, and the Provinces under his Government, should be given to *Pompey*; together with *Bithynia*, which was under the Command of *Glabrio*; and that he should forthwith make War upon *Mitridates*; retaining still the same Naval Forces, and the Sovereignty of the Seas, as before (a).

(a) *Cicero de Lege Manilia*, *Plutarch*, in *Pomp. Flr. Epitom.* 100.

## C H A P. XXXIII.

### De Tutelis, or Laws concerning WARDSHIPS.

*ATILIA Lex*, the Author and Time unknown, prescribing that the *Prætor*, and the major Part of the *Tribunes*, should appoint Guardians to all Minors, to whom none had been otherwise assigned (a).

The Emperor *Claudius* seems to have abrogated this Law, when, as *Suetonius* informs us, he ordered, that the Assignment of Guardians should be in the Power of the *Consuls* (b).

*Lætoria Lex*, ordaining, that such Persons as were distract-ed, or prodigally squandered away their Estates, should be committed to the Care of some proper Persons, for the Security of themselves and their Possessions: and that whoever was convicted of defrauding any in those Circumstances, should be deemed guilty of a high Misdemeanor (c).

(a) *Liv.* lib. 39. (b) *Sueton.* in *Claud.* cap. 23. (c) *Cicero de Offic.* lib. 3. *de Nat. Deor.* lib. 3.

## C H A P. XXXIV.

## Laws concerning Wills, Heirs, and Legacies.

*Furia Lex*, the Author *C. Furius, Tribune of the Commons*, ordaining, that no Person should give, by Way of Legacy, above a thousand *Affes*, unless to the Relations of the Master who manumitted him, and to some other Parties there excepted (a).

*Vcoonia Lex*, the Author *Q. Vcoonius Saxa, Tribune of the Commons*, A. 584, ordaining, that no Woman should be left Heires to an Estate; and that no *Census* should, by his Will, give above a fourth Part of what he was worth, to a Woman. This seems to have been enacted, to prevent the Decay and Extinction of noble Families (b).

By the Word *Census* is meant any rich Person, who was rated high in the *Censor's Books*.

(a) *Cicer. pro Balbo.* (b) *Cicero in Ferr. 3. Senect. de Finib.*

## C H A P. XXXV.

## Laws concerning Money, Usury, &amp;c.

*Sempronia Lex*, the Author *M. Sempronius, Tribune of the Commons*. A. 560, ordaining, that in lending Money to the Allies of Rome and the *Latinus*, the Tenor of the Roman Laws should be still observed, as well as among the Citizens (a).

*Valeria Lex*, the Author *Valerius Flaccus, Consul with L. Cornelius Cinna*, ordaining, (to oblige the poorer Part of the City) that all Creditors should discharge their Debtors upon the Receipt of a fourth Part for the whole Sum. This Law, as most unreasonable, is censured by *Paterculus* (b).

(a) *Liv. lib. 35. Cicero de Offic. 2.* (b) *Lib. 2. cap. 23.*

*Gabinia Lex*, the Author *Aul. Gabinius*, Tribune of the Commons, A. 685, ordaining, that no Action should be granted for the Recovery of any Money taken up, *versura facta*, i. e. first borrowed upon a small Use, and then lent out again upon a greater; which Practice was highly unreasonable (a).

*Claudia Lex*, the Author *Claudius Cæsar*; commanding, that no Usurer should lend Money to any Person in his Non-age, to be paid after the Death of his Parents (b).

*Vespasian* added a great Strength to this Law, when he ordained, that those Usurers who lent Money to any *Filius Familiæ*, or Son under his Father's Tuition, should have no Right ever to claim it again, not even after the Death of his Parents (c).

(a) *Cicero ad Attic.* lib. 5. Epist. ult. lib. 6. Epist. 2. (b) *Tacit. Annal.* 11  
(c) *Sueton. in Vesp.* cap. 11.

## C H A P. XXXVI.

### LAWS concerning the JUDGES.

*SEMpronia Lex*, the Author *C. Sempronius Gracchus*, Tribune of the Commons, A. 630. ordaining, that the Right of Judging, which had been assigned to the Senatorian Order by *Romulus*, should be transferred from them to the *Equites* (a).

*Servilia Lex*, the Author *Q. Servilius Cœpio*, Consul with *C. Atilius Serranus*, A. 647. abrogating in Part the former Law, and commanding, that the Privilege there mentioned should be divided between both Orders of Knights and Senators (b).

*Plutarch* and *Florus* make *C. Sempronius Gracchus* to have appointed 300 Senators, and 600 *Equites*, for the Management of Judgments; but this seems rather to belong to the *Servilian Law*, if not totally a Mistake (c). This Law was soon after repealed.

*Livia Lex*, the Author *M. Livius Drusus*, Tribune of the Commons, A. 662, ordaining, that the Judiciary Power should be seated in the Hands of an equal Number of Senators and Knights (d).

(a) *Afconius in Disc.* Tacit. Ann. 12. *Vel. Patroc.* L. 2. (b) *Cicero de Art. Rhet.* lib. 2. *de Orat.* in *Bruit.* in *Orat.* p. 2. *Scauro*. (c) *Cicero de Orator.* 2. *Flor.* Epit. 71. (d) *Afconius in Cornelian.*

But

But this, among other Constitutions of that Author, was abrogated the very same Year, under Pretence of being made inauspiciously.

*Plautia Lex*, the Author *M. Plautius Silvanus, Tribune of the Commons, A. 664.* ordaining, that every Tribe should chuse out of their own Body fifteen Persons to serve as Judges every Year; by this Means making the Honour common to all the three Orders, according as the Votes carried it in every Tribe (*a*).

*Cornelia Lex*, the Author *L. Cornelius Sylla, Dictator, A. 673*, taking away the Right of Judging entirely from the Knights, and restoring it fully to the Senators (*b*).

*Aurelia Lex*, the Author *L. Aurelius Cotta, Prætor, A. 653*, ordaining, that the Senatorian and Equestrian Orders, together with the *Tribuni Ærarii*, should share the judicial Power between them (*c*).

*Pompeia Lex*, the Author *Pompey the Great, Consul with Crassus, A. 698*, ordaining, that the Judges should be chosen otherwise than formerly, out of the richest in every Century; yet, notwithstanding, should be confined to the Persons mentioned in the *Aurelian Law* (*d*).

*Julia Lex*, the Author *Julius Cæsar*, confirming the aforesaid Privilege to the Senators and Knights, but excluding the *Tribuni Ærarii* (*e*).

*Rofinus* sets this Law before that of Pompey; but it is very plain, it was not made until afterwards.

*Antonia Lex*, the Author *M. Antony, Consul with Julius Cæsar, A. 709*, ordaining, that a third Decury of Judges should be added to the two former, to be chosen out of the Centurions (*f*).

(*a*) *Cicer. pro Cornel. § ad Att. 4.* (*b*) *Flir. Epitom. 89.* *Aeson. in Dicitur.* (*c*) *Cicer. in Ferrem. Vell. lib. 2.* (*d*) *Cicer. in Pisoneum.* (*e*) *Suet. in Iulio, cap. 41.* (*f*) *Cicer. in Philipp. 1. § 5.*

## C H A P. XXXVII.

## LAWS relating to JUDGMENTS.

**POMPEIA Lex**, the Author Pompey the Great, sole Consul, A. 701, forbidding the Use of the *Laudatores* in Trials (a).

**Memmia Lex**, ordaining, that no Person's Name should be received into the Roll of Criminals, who was absent upon the public Account (b).

**Remmia Lex**, ordaining, that Persons convicted of Calumny should be stigmatized (c).

Both these Laws sometimes go under the Name of *Memmia*, and sometimes of *Remmia*; the Distinction here observed is owing to *P. Manutius*.

**Cincia Lex**, the Author *M. Cincius*, Tribune of the Commons, A. 549, forbidding any Person to accept of a Gift upon Account of judging a Cause. This is commonly called *Lex Muneralis* (d).

(a) Plutarch. in *Pomp.* & in *Catene Uticensi*. Valer. *Max.* lib. 6. cap. 2. (b) Cicero in *Vatin.* Val. *Max.* lib. 3. cap. 7. (c) Cicero pro *Sext.* Roscio. (d) Liv. lib. 34. Tacit. Ann. 14. Cicero ad *Attic.* lib. 1. de *Oratore* 2. de *Senect.*

## C H A P. XXXVIII.

## LAWS relating to CRIMES.

**T**HE Crimes or Actions that tended to the Prejudice of the State, have been already reckoned, up, and briefly explained. The Laws on this Subject are very numerous, and, by Reason of their great Usefulness, have been preserved at large in the Labours of the Civilians, with the particular Heads of which they consisted. It will be sufficient to the present Design, to mention such as are hinted at in the ordinary Classics, and to speak of those only in general.

## DE MAJESTATE.

*Gabinia Lex*, already described among the Laws relating to Assemblies.

*Apuleia Lex*, the Author *L. Apuleius, Tribune of the Commons, A. 652*. It seems to have been enacted for the Restraint of public Force and Sedition in the City (a). *Sigonius* thinks, that it was this Law, which made the Question *de Majestate* perpetual.

*Varia Lex*, the Author *L. Varius Tribune of the Commons, A. 662*, ordaining, that all Persons should be brought to a public Trial, who had any Way encouraged or assisted the Confederates in the late War against *Rome* (b).

*Cornelia Lex*, the Author *L. Cornelius Sylla, Dictator, A. 670*, making it Treason to lead an Army out of a Province, or to engage in a War without special Orders; to endeavour the ingratiating himself with the Army, so as to make them ready to serve his particular Interest; or to spare, or ransom a Commander of the Enemy when taken Prisoner; or to pardon the Captains of Robbers and Pirates; or for a Roman Citizen to reside without Orders at a foreign Court; and assigning the Punishment of *Aqua & Ignis Interdictio* to all that should be convicted of any of these Crimes (c).

*Julia Lex*, the Author *Julius Cæsar*, either in his first Consulship, or after the *Pharsalian Victory*, ordaining the Punishment mentioned in *Sylla's Law*, to be inflicted on all that were found guilty *de Majestate*; whereas *Sylla* intended it only for the Particulars which he there specifies (d).

*Antonia Lex*, the Author *Mark Antony*, allowing those who were condemned *de Majestate*, an Appeal to the People; which before was only allowed in the Crime which they called *Perduellio*, one Part of the *Crimen Majestatis*, of the most heinous Nature; which the Lawyers define, *Hæfili animo adversus Rempublicam esse*. This Law was repealed by *Augustus* (e).

(a) *Cicero de Orat. lib. 2.* (b) *Cicero pro Scaur. pro Cornel. Tusculan. 2. in Brut. Valerius Max. iii. lib. 8. cap. 6.* (c) *Cicero in Pisc. pro Cluent. Q. d. Cicero Thelli. i.* (e) *P. Manut. lib. de Ligibus.*

*De Adulterio & Pudicitia.*

*Julia Lex*, the Author *Augustus Cæsar*, as *Suetonius* informs us (*a*). *Juvenal* mentions this Law in his second *Satyr*, and seems to intimate, that it was afterwards confirmed, and put in full Force by the Emperor *Domitian*; the Rigor of it is there very handsomely expressed:

— *Leges revocabat amaras (b)*  
*Omnibus, atque ipsis Veneri Martique, timendas.*

*Scatinia Lex*, the Author *C. Scatinius Aricinus*, *Tribune* of the Commons; though some think it was called *Lex Scantinia*, from one *Scantinius*, *Tribune* of the Commons; against whom it was put in Execution. It was particularly levelled against the Keepers of Catamites, and against such as prostituted themselves for this vile Service (*c*). The Penalty enjoined by the Author, was only pecuniary; but *Augustus Cæsar* made it afterwards capital (*d*)

*Cornelia Lex inter sicarios, & veneficos.*

The Author *Cornelius Sylla*, *Dictator*. It was directed against such as killed another Person with Weapons or Poison, or fired Houses, or took away any Person's Life by false Accusation; with several other Heads.

There was a Clause in this Law, that the Person who stood accused of the Crimes therein mentioned, might have his Choice of letting the Jury give their Verdict *Clam*, *vel Palam*, by Voices or by Tablets (*e*).

*De Parricidis.*

The old Law which prescribed the odd Sort of Punishment proper to this Crime, was restored and confirmed by *Pompey the Great*, with the Title of *Lex Pompeia (f)*.

*Cornelia Lex falsi.*

*Sylla* the *Dictator*, as he appointed a proper *Prætor* to make Inquisition into what they called *Crimen falsi*, so he enacted this Law as the Rule and Standard in such Judg-

(*a*) In *Aug.* cap. 34. (*b*) *Juv.* Sat. 2. v. 30. (*c*) *Quintil.* lib. 4. cap. 2. lib. 7. cap. 4. *Cicer. Philip.* 3. *Juv.* &c. (*d*) *Juſt. Instit.* lib. 4. (*e*) *Cic. pro Cn. Lent.* (*f*) *Juſt. Instit.* lib. 4. & ali.

ment (a). It takes in all Forgers, Concealers, Interliners, &c. of Wills; Counterfeitors of Writs and Edicts; false Accusers, and Corrupters of the Jury; together with those that any Ways debased the public Coin, by shaving or filing the Gold, or adulterating the Silver, or publishing any new Pieces of Tin, Lead, &c. and making those incur the same Penalty (which was *Aqua & Ignis Interdictio*) who voluntarily connived at the Offenders in these Particulars.

*Leges de vi.*

*Plautia, or Plotia Lex*, the Author *P. Plautius, Tribune of the Commons, A. 675*, against those that attempted any Force against the State or Senate, or used any Violence to the Magistrates, or appeared armed in Public upon any ill Design, or forcibly expelled any Person from his lawful Possession. The Punishment assigned to the Convicted was *Aqua & Ignis Interdictio* (b).

*Clodia Lex*, the Author *P. Clodius, Tribune of the Commons, A. 695*, ordaining, that all those should be brought to their Trial, who had executed any Citizen of *Rome* without the Judgment of the People, and the Formality of a Trial (c).

The Author being a mortal Enemy of *Cicero's*, levelled this Law particularly against him; who, in the Time of the *Catilinarian Conspiracy*, for the greater Expedition and Security, having taken several of the chief Parties concerned, first imprisoned and afterwards executed them, only upon a Decree of the Senate. *Clodius* having highly ingratiated himself with the People, by several popular Laws, easily got this Act to pass; and so obliged *Cicero* to go into Exile.

*Pompeia Lex*, the Author *Pompey the Great*, in his third Consulship, *A. 701*. It was directed especially against the Authors of the late Riot, upon the Account of *Clodius* and *Milo*; in which, one of the *Curiæ* had been set on Fire, and the Palace of *Lepidus the Interrex*, assaulted by Force. This Law introduced a much shorter Form of Judgment than had been formerly used, ordaining, that the first three Days in every Trial should be spent in hearing and examining Witnesses; and then allowing only one Day for the two Parties to make their formal Accusation and Defence; the first being confined to two Hours, and the other to

(a) *Cic. de Nat. Deor. lib. 3. Suet. in Aug. cap. 33.* (b) *Sueton. in Julius, cap. 5. Dic. lib. 39. Cicero pro Sextio, pro Milone.* (c) *Vell. Patere. lib. 2. Cic. ad Attic. lib. 3. Dic. lib. 38.*

three. Hence, the Author of the Dialogue concerning famous Orators, (attributed to *Quintilian*, or *Tacitus*,) observes, that *Pompey* was the first who deprived Eloquence of its old Liberty, and confined it to Bounds and Limits (*a*).

*Leges de Ambitu.*

*Fabia Lex*, prescribing the Number of *Seclatores*, allowed to any Candidate (*b*). This did not pass.

*Acilia Calpurnia Lex*, the Authors *M. Acilius Glabrio*, and *C. Calpurnius Piso*, Consuls *A. 686*, ordaining, that, besides the Fine imposed, no Person convicted of this Crime should bear an Office, or come into the Senate (*c*).

*Tullia Lex*, the Author *M. Tullius Cicero*, Consul with *C. Antonius*, *A. 690*, ordaining, that no Person, for two Years before he sued for an Office, should exhibit a Show of **Gladiators** to the People, unless the Care of such a Solemnity had been left to him by Will: That *Senators*, convicted of the *crimen ambitus*, should suffer *aqua& ignis interdictio* for ten Years; and that the Commons should incur a severer Penalty than had been denounced by the *Calpurnian Law* (*d*).

*Aufidia Lex*, the Author *Aufidius Lurco*, Tribune of the Commons, *A. 692*, more severe than that of *Tully*; having this remarkable Clause, that if any Candidate promised Money to the *Tribunes*, and did not pay it, he should be excused; but, in Case he actually gave it, he should be obliged to pay to every *Tribe* a yearly Fine of 3000 *Sestertii* (*e*).

*Lex Licinia de Sodalitiis*, the Author *M. Licinius Crassus*, Consul with *Cn. Pompey*, *A. 698*, appointed a greater Penalty than formerly to Offenders of this Kind (*f*). By *Sodalitia*, they understood an unlawful making of Parties at Elections; which was interpreted as a Sort of Violence offered to the Freedom of the People. It is strange, that this Sense of the Word should have escaped *Cooper* and *Littleton*.

*Asconius* seems to imply, that the *Sodalitia* and *Ambitus* were two different Crimes, when he tells us, that *Milo* was arraigned on those two Accounts, at two several Times, and not before the same *Quæstor* (*g*).

(*a*) *Vide Ascon. in Milon. Cic. de finib. 4. Cœf. de Bell. Civ. l. 3. &c.* (*b*) *Cic. pro Muræna.* (*c*) *Cic. pro Muræna, pro Cornel. &c.* (*d*) *Cic. in Vatin pro Sextio, pro Muræna, Dio l. 37.* (*e*) *Cic. ad Attic. l. 1. ep. 11.* (*f*) *Cic. pro Planc.* (*g*) *In Argument. Milenian.*

*Pompeia Lex*, the Author *Pompey the Great*, sole Consul, A. 701. By this it was enacted, that whoever, having been convicted of a Crime of this Nature, should afterwards impeach two others of the same Crime, so that one of them was condemned, should himself, upon that Score, be pardoned. The short Form of Judgment, mentioned in *Pompeia Lex devi*, was ordered too by this Law (a).

*Julius Cæsar* quite ruined the Freedom and fair Proceedings in Elections, when he divided the Right of chusing Magistrates between himself and the People, or rather disposed of all Offices at his Pleasure (b). Hence *Lucan*:

—*Nam quo melius Pharsalicus annus (c).*  
*Consule notus erit ? Fingit solennia campus,*  
*Et non admissæ dirimit suffragia Plebis;*  
*Decantatque Tribus, & vanâ versat in Urna.*  
*Nec cælum servare licet ; tonat Augure furdo :*  
*Et latæ jurantur aves, bubone sinistro.*

From what brave Consul cou'd the Year receive  
A surer Mark, than Death and Wars shall leave ?  
Assemblies are a Jest ; and, when they meet,  
The gaping Crowd is bubbled with a Cheat.  
The Lots are shook, and sorted Tribes advance ;  
But *Cæsar*, not blind *Fortune*, rules the Chance.  
Nor impious *Rome* Heaven's sacred Signs obeys,  
While *Jove* still thunders as the *Augurs* please :  
And when left Owls some dire Disaster bode,  
The staring Miscreants, at their Master's Nod,  
Look to the Right, and swear the Omen's good. }

But *Augustus* restored the antient Privileges to the *Comitia*, and restrained unlawful Courses used in the canvassing at Elections, by several Penalties (d) ; and published for this Purpose, the *Lex Julia de Ambitu* mentioned in the *Pandects*.

#### *Leges de Pecuniis repetundis.*

*Calpurnia Lex*, the Author *L. Calpurnius Piso Frugi*, A. 604, ordaining a certain *Prætor* for the Inquisition of this Crime, and laying a great Penalty on Offenders (e).

(a) *In Argument. Milonian.* (b) *Sueton. in Julie, cap. 41.* (c) *Lib. 5. v. 391.* (d) *Sueton. in Auguſt. cap. 42.* (e) *Cicer. in Bruto, de Offic. lib. 2. Orat. 2. in Verrem.*

*Cæcilia Lex*, mentioned by *Valerius Maximus* (a). *Sigonius* believes this Law to be the very same with the former, and that either the two *Tribunes*, *Cæcilius* and *Calpurnius*, joined in the making of it; and so it came to be called either *Calpurnia*, or *Cæciia*, at Pleasure; or that in this Place we ought to read *Calpurnia*, instead of *Cæcilia*.

*Junia Lex*, the Author, probably, *M. Junius Pennus*, *Tribune* of the Commons, A. 627, ordaining, that besides the *litis æstimatio*, or rating of the Damages, the Person, convicted of this Crime, should suffer Banishment (b).

*Servilia Lex*, the Author *C. Servilius Glacucia*, *Prætor*, A. 653, several Fragments of which are collected from Authors, and transcribed from brazen Tablets by *Sigonius* (c).

*Acilia Lex*, the Author *M. Acilius Glabrio*; in which was this remarkable Clause: That the convicted Person should be allowed neither *ampliatio*, nor *comperendinatio*; neither a new Hearing at a set Time prefixed by the *Prætor*, nor an Adjournment of the Trial, till the third Day after the first appearing of the Parties in the Court (d).

*Cornelia Lex*, the Author *L. Cornelius Sylla*, *Dictator*; ordaining, that, besides the *litis æstimatio*, the Person convicted of this Crime, should be interdicted the Use of Fire and Water (e).

*Julia Lex*, the Author *C. Julius Cæsar*; this kept its Authority through the whole Series of the Emperors, and is still celebrated in the *Pandects*: A great Part of it was levelled against the Misdemeanors of provincial Governors; many of which, according to this Law, are alledged against *Piso*, who had been *Proconsul* in *Macedonia*, by *Cicero*, in his 37th Oration.

(a) Lib. 6. cap. 9 Sect. 10. (b) Cic. in *Verrrem*, & pro *Balbo*, *Vell. Patere*. lib. 2. (c) Cic. pro *Pœtum*. pro *Balbo*, in *Verrrem*. *Sixon. de judiciis*, lib. 2. cap. 27. (d) Cic. in *Verrrem*. *Aeson. in eadem*. (e) Cic. pro *Claentio*; in *Verrrem*. *Aeson. Pædian. in Verrinas*.

## C H A P. XXXIX.

*Miscellaneous Laws not spoken of under the General Heads.*

*C*lodia Lex de Collegiis, the Author *P. Clodius, Tribune of the Commons, A. 695*, ordaining, That the *Collegia, or Companies of Artificers*, instituted by *Numa*, which had in a great Measure been laid down, should be all revived, and obſerved as formerly, with the Addition of ſeveral new *Companies* (a).

*Cæcilia Lex de jure Italiæ, &c tributis tollendis*; the Author *Q. Cæcilius Metellus Næfus, Prætor, A. 693*, ordaining, That the Tax called *Portoria* ſhould be taken off from all the *Italian States* (b).

*Portoria*, according to *Sigonius's Explication*, was a Sort of Toll paid always at the carrying of any exportable Goods to the Haven; whence the Collectors of it were called *Portitores*.

*Lex Julia de maritandis ordinibus.*

The Romans, consulting the Grandeur of their Republic, had always a particular Honour for the married State; and nothing was more uſual than for the *Censors* to impose a Fine upon old Batchelors. *Disnyſius Halicarnassæus* (c) mentions an old Constitution, by which all Persons of full Age were obliged to marry: But the first Law, of which we have any Certainty, was this of *Augustus Cæſar*, preferred *A. 736*. It did not paſſ before it had received ſeveral Amendments, being at first rejeſted for its extreme Severity. This is the Subject of *Propertius's* ſeventh Elegy of the third Book.

*Gavisa eft certe ſublatam Cynthia legem, &c.*

My Cynthia laugh'd to ſee the Bill thrown out, &c.

*H*orace calls it *Lex Marita* (d).

*A. 672*, this Law being improved and enlarged, was preferred in a new Bill by *Papius* and *Poppæus*, the Consuls at

(a) *Cic. pro Sestio: in Pisen. præ Dom. Alton. in Cornel. Dic. in Epist. ad Attic.* (b) *Dio. lib. 37.* (c) *Lip. 9.* (d) *In Carmine Seculari.*

that

that Time; whence it is sometimes called *Papia Poppea Lex*, and generally *Julia Papia*.

A great Part of the general Heads are collected by *Lipsius*, in his Comment on *Tacitus* (a); among which, the most remarkable are those which contain the Sanctions of Rewards and Punishments.

As to the first of these, it was hereby ordained, that all the Magistrates should take Precedence according to their Number of Children; or a married Man before a Bachelor: That in Elections, those Candidates should be preferred, who had the most numerous Offspring: And that any Person might have the Preference for an Office, who had as many Children as he wanted Years to be capable of bearing such a Dignity (b): That, whoever in the City had three Children, in the other Parts of *Italy*, four, and in the Provinces five (or, as some say, seven) should be excused from all troublesome Offices in the Place where he lived. Hence came the famous *jus trium liberorum*, so frequently to be met with in *Plin.*, *Martial*, &c. by which the Emperor often obliged such Persons with this Privilege, to whom Nature had denied it.

Of the Penalties incurred by such as in spite of this Law lived a single Life, the chief was, that unmarried Persons should be incapable of receiving any Legacy or Inheritance by Will; unless from their near Relations; and such as were married, and yet had no Children, above half an Estate. Hence *Plutar.* has a severe Reflection on the covetous Humour of the Age: *That several of the Romans did not marry for the Sake of Heirs to their own Fortunes; but that they themselves might, upon this Account, be capable of inheriting the Estates of other Men* (c).

And *Juvenal* alludes to the same Custom:

*Fam Pater es; dedimus quod famæ cōponere possis (d):  
Jura Parentis habes: propter me scriberis Hæres;  
Legatum omne capis, nec non & dulce caducum.*

Now by my Toil thou gain'ſt a Father's Fame;  
No more shall pointing Crowds attest thy Shame,  
Nor hooting Boys thy Impotence proclaim.  
Thine is the Privilege our Laws afford  
To him that stands a Father on Record:

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(a) *Excurs. ad Tacit. Ann. 1. 3. Liter. C. Vid. Suet. in Octavio, c. 34.*  
(b) *Plin. Epist. 1. 7. (c) Plut. περὶ φιλοσογίας. (d) Sat. 9. v. 86.*

In Misers Wills you stand unquestion'd now,  
And reap the Harvest which you could not sow.

*Claudia Lex de scribarum negotiatione.*

This Law is barely mentioned by *Suetonius* (a); and seems a Part of the *Lex Claudia*, or *Claudia*, about the Trading of the Senators, already explained. It appears therefore, that not only the Senators, but the Scribes too, or at least those Scribes who assisted the *Quæstors*, were forbid to make use of a Vessel of above three Hundred *Ampboræ*: We may reasonably suppose, that this Prohibition was not laid upon them, in Respect of their Order and Degree, which were not by any Means eminent; but rather, upon Account of their particular Place or Office: As it appears the highest Impropriety, that Persons concerned in the public Accounts, should be suffered by traffic rather to fill their own Coffers, than improve the Revenues of the State (b).

*Memilia Lex*; this Law, as well as the former, depends on the single Authority, just named by *Salust* (c), and not explained by *Manutius* or *Rosinus*. It seems to have been to this Purpose, that since Affairs had been very often ill managed by the Nobility, those Persons, whose Ancestors had born no Magistracy in the State, such as they called *Homines novi*, should, for the future, be allowed the Privilege of holding public Offices (d).

*Atinia Lex de Furtis*, ordaining, that no Prescription should secure the Possession of stolen Goods; but that the proper Owner should have an eternal Right to them (e).

(a) *In Domit.* cap. 9. (b) *V. Torrent.* in *not. ad locum.* (c) *In Bell. Ju-  
gerithin.* (d) *V. Rivium in not. ad locum.* (e) *Cic. Verr.* 3. *A. Gell.* cap. 7.



## PART II. BOOK IV.



### *The ROMAN Art of War.*



#### C H A P. I.

##### *The Levies of the ROMAN Foot.*

**A**T the same Time, the *Consuls* were declared *Elected*, they chose the Military *Tribunes*, Fourteen out of the Body of the *Equites*, who had served in the Army five Years; and Ten out of such of the Commonalty, as had made Ten Campaigns. The former they called *Tribuni Juniores*, the latter *Seniores*.

The *Consuls* having agreed on a Levy, (as in the Time of the Common-wealth, they usually did every Year) issued an Edict, commanding all Persons who had arrived at the Military Age (about 17 Years) to appear (commonly) in the Capitol, or in the *Area* before the Capitol, as the most sacred and august Place, on such a Day. The People being met, and the *Consuls*, who presided in the

Assembly, having taken their Seats, in the first Place, the four and twenty *Tribunes* were disposed of, according to the Number of Legions they designed to embody, which were generally four. The *junior Tribunes* were assigned, four to the first Legion, three to the second, four to the third, and three to the last. The *senior Tribunes*, two to the first Legion and the third; three to the second and last. After this, every Tribe being called out by Lot, were ordered to divide into their proper Centuries; out of each Century Soldiers were called by Name, with Respect had to their Estate and Class; for which Purpose Tables were ready, in which the Name, Age, and Wealth of every Person was exactly described. Four Men, as much alike in all Circumstances as could be found, being presented out of the Century, first the *Tribunes* of the first Legion chose one, then the *Tribunes* of the second another, the *Tribunes* of the third Legion a third Man, and the remaining Person fell to the *Tribunes* of the fourth. Then four more were drawn out; and now the Right of chusing first, began with the *Tribunes* of the second Legion; in the next four, with the *Tribunes* of the third Legion; then with the fourth Legion, and so in Rotation; those *Tribunes*, making the last Choice, who chose first the Time before; the most equal and regular Method imaginable.

*Cicero* has remarked a superstitious Custom observed in these Proceedings: That the first Soldiers pitched upon, should, for the Omen's Sake, be such as had fortunate Names, as *Salvius*, *Valerius*, and the like (*a*).

There were many legal Excuses which might exempt Persons from Enrolling; as when in the fiftieth Year of their Age; for then they were excused serving: or if they enjoyed any Civil or Sacred Office, which they could not conveniently relinquish; or if they had already made twenty Campaigns, which was the Time required for every Foot Soldier; or if upon Account of extraordinary Merit, they had been by public Authority released from the Trouble of serving for such a Time; or if they were maimed in any Part, and so ought not to be admitted into the Legions; as *Suetonius* tells us of a Father, who cut off the Thumbs of his two Sons, to prevent their serving in the Army (*b*). And *Valerius Maximus* gives a Relation of the like Nature (*c*).

(*a*) *Cic.* de Divinat. i. 1.  
*Mae.* i. 6. c. 3.

(*b*) *Sueton.* *August.* c. 24.

(*c*) *Val.*

Otherwise

Otherwise they were obliged to serve; and in Case of a Refusal, were usually punished either with Imprisonment, Fine, or Stripes, according to the Lenity or Severity of the Consul. And therefore it is somewhat surprising, that *Macchiavel* should commend in particular the *Roman Discipline*, upon Account of not compelling any one to the Wars, when we have in History such Evidence to the contrary. Nay, we also read of the *Conquistores*, or Impress-Masters, who were commissioned upon some Occasions, to compel Men into the Service of the State.

*Valerius Maximus* (a) gives us one Example of changing the Custom of making Levies by the *Tribunes*, for that of chusing them by Lot. And *Appianus Alexandrinus* (b) acquaints us, That in the *Spanish War* managed by *Lucullus*, upon Complaint to the Senate of several unjust Practices in the Levies, the Fathers thought fit to chuse all the Soldiers by Lot. Yet the same Author assures us, That within five Years after, the old Custom returned of making the Levies in the Manner already described.

However, upon any extraordinary Occasion of immediate Service, they omitted the common Formalities, and without much Distinction inlisted such as they met with, and led them out on an Expedition. These they termed *Milites subitarii*.

(a) *Lib. 6. Cap. 3.*

(b) *In Iberic.*

## C H A P. II.

### *The Levy and Review of the CAVALRY.*

**R**OMULUS having established a Senate, chose three hundred of the stoutest young Men out of the most Noble Families to serve on Horseback: But after the Institution of the *Census* by *Servius Tullius*, all those Persons had the Honour of being admitted into the Order of the *Equites*, who were worth four hundred *Sestertia*; yet no Man was thus enrolled by the *Kings* or *Consuls*, or afterwards by the *Censors*, unless besides the Estate required, no Exception could be taken against his Person or Morals. If these were unquestionable, his Name was entered among the Knights, and a Horse and Ring given him at the public

lic Charge; he being obliged to appear for the future on Horseback, as often as the State should have Occasion for his Service.

So that there being always a sufficient Number of *Equites* in the City, there needed only a Review in order to fit them for Service. The Learned are much divided in this Point; yet we have Authority to mention three several Sorts of Reviews, *Probatio*, *Transvectio*, and what they properly termed *Recensio*; though they are usually confounded, and seldom understood.

The *Probatio* we may conceive to have been a diligent Search into the Lives and Manners of the *Equites*, and a strict Observation of their Condition of Body, Arms, Horses, &c. This is supposed to have been commonly made once a Year.

*Transvectio*, *Lipsius* makes the same as *Probatio*; but he is certainly mistaken; since the Hints collected from different Authors, represent it rather as a pompous Ceremony and Procession, than an Examination. The most learned *Grævius* says it was always made in the *Forum* (a). *Dionysius* describes it in the following Manner; *The Sacrifices being finished, all those who are allowed Horses at the Expence of the State, ride along in Order, as if returning from a Battle, being habited in the Togæ Palmatae, or the Trabeæ, and crowned with Wreaths of Olive.* *The Procession begins at the Temple of Mars, without the Walls, and is carried on through all the eminent Parts of the City, particularly the Forum, and the Temple of Castor and Pollux.* The Number sometimes reaches to five thousand; every Man bearing the Gifts and Ornaments received, as a Reward of his Valour, from the General. A most glorious Sight, and worthy of the Roman Grandeur (b).

This Solemnity was instituted to the Honour of *Castor* and *Pollux*, who, in the Battle with the *Latins*, about the Year of the City 257, appeared in the Field personally afflicting the *Romans*; and, presently after the Fight, were seen at *Rome* (just by the Fountain where their Temple was afterwards built,) upon Horses all foaming with Sweat, as if they had rode Post to bring Tidings of the Victory (c).

The proper *Recensio* was the Account taken by the *Censors* every *Lustrum*, when all the People, as well as the *Equites*,

(a) *Proefat. ad I. I. l. Thesaur. Ant. Rom.*  
(c) *Plut. in Coriolan.*

(b) *Dionys. Halic. lib. 6.*

were to appear at the general Survey: So that it was only a more solemn and accurate Sort of *Probation*, with the Addition of enrolling new Names, cancelling old ones, and other Circumstances of that Nature.

Besides all this, it was an usual Custom for the *Equites*, when they had served out their legal Time in the Wars, to lead their Horses solemnly into the *Forum*, to the Seat of the two *Censors*, and there having given an Account of the Commanders under whom they had served, as also the Time, Places, and Actions relating to their Service, they were discharged, every Man with Honour or Disgrace, according as he deserved. For this Account we are obliged to *Plutarch*, who gives a particular Relation how this Ceremony was performed with universal Applause by *Pompey the Great*.

The Obscurity and Confusion of these Matters, are strongly confirmed by the Disagreement of two very learned Men, one makes this *Equi redditio* the same as the *Probatio* (a), the other the same as the *Transvectio* (b).

— *Non nostrum est tantas componere lites.*

The Emperors often took a Review of the Cavalry; and *Augustus* particularly restored the old Custom of the *Transvectio*, which had been discontinued for some Time.

It is hard to conceive, that all the *Roman Horse* in the Army should consist of Knights; and for that Reason *Sigonius*, and many other learned Men, make a Distinction in the Cavalry, between those who served *Equo publico*, and those that served *Equo privato*; the former they allow to have been of the Order of Knights, the latter not. But *Grævius*, and his noble Countryman *Schelius*, have proved this Opinion to be a groundless Conjecture. They demonstrate from the Course of History, that from the Beginning of the *Roman State*, till the Time of *Marius*, no other Horse entered the Legions but the true and proper Knights, except in the midst of public Confusion, when Order and Discipline were neglected.

After that Period, the military Affairs being new modelled, the Knights thought not fit to expose themselves abroad in the Legions, as they had formerly done, but generally kept at Home to enjoy their Estates, and to share in the Trans-

(a) *Herman. Hugo de MELA Equesri*, l. 2. c. 5. (b) *Sigon. Annal. ad L. 1. c. 46,*

actions of the City; and their Places in the Army were filled by foreign Horse; or if they ever made Campaigns themselves, they held some Post of Honour and Command. Hence under the Emperors a Man might be a Knight, and have the Honour of a *public Horse*, without ever engaging in the public Cause, or so much as touching Arms; which Consideration made some Princes lay aside the Custom of allowing the Knights a Horse, and leave them only their Gold Ring to distinguish their Order, as *Pliny* (*a*) Senior affirms to have been done in his Time.

(*a*) Lib. 33. Cap. 1. *vid. Græv. Praef. ad Vol. 1. Th. Rom.*

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### CHAP. III.

#### *The MILITARY OATH, and the Levies of the CONFEDERATES.*

THE Levies being finished, the *Tribunes* of every Legion chose out one whom they thought the fittest Person, and gave him a solemn Oath at large, the Substance of which was, that he should oblige himself to obey the Commanders in all Things to the utmost of his Power, be ready to attend whenever they ordered his Appearance, and never to leave the Army but by their Consent. After he had ended, the whole Legion, passing one by one, every Man, swore to the same Effect, crying as he went by, *Idem in me.*

This, and some other Oaths, were so essential to the Military State, that *Juvenal* useth the Word *Sacramenta* for *Milites, Militiae.* Sat. xvi 35.

*Præmia nunc alia, atque alia emolumenta notemus  
Sacramentorum.*

As to raising the Confederate Troops, *Polybius* informs us, that at the same Time as the Levies were made in *Rome*, the *Consuls* gave Notice to the Cities of the Allies in *Italy*, intimating the Number of Forces they should have Occasion to borrow from them, together with the Time and Place when.

when, and where, they would have them make their Rendezvous. The States accordingly convened their Men, and chusing out their desired Number, gave them an Oath, and assigned them a Commander in Chief, and a Pay-master-General. We may observe, that in the Time of *Polybius*, all *Italy* was indeed subject to the *Romans*; yet no State, or People in it, had been reduced into the Form of a Province; retaining, for the Generality, their old Governors and Laws, and being termed *Socii*, or Confederates.

But, after all, the *Italians* were not only divided into separate *Provinces*, but afterwards honoured with the *Jus Civitatis*; the Name of *Socii* ceased, all the Natives of *Italy* being accounted *Romans*; and therefore, instead of the social Troops, the *Auxilia* were afterwards procured, which are carefully to be distinguished from the former. They were sent by foreign States and Princes, at the Desire of the *Roman Senate*, or Generals, and were allowed a set Pay from the Republic; whereas the *Socii* received no Consideration for their Service, but a Distribution of Corn.

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## C H A P. IV.

### Of the E V O C A T I.

**T**H E most eminent Degree of Soldiers were the *Evo-  
cati*, taken as well out of Allies as Citizens, out of Horse as Foot, not by Force, but at the Request and Intreaty of the *Consuls*, or other Officers: For which Purpose, Letters were commonly dispatched to every particular Man whom they designed thus to invite into their Service. These were old experienced Soldiers, and generally such as had served their legal Time, or had received particular Marks of Favour as a Reward of their Valour, on which Accounts they were stiled *Emeriti*, and *Beneficiarii*: Scarce any War was undertaken, but a great Number of these were invited into the Army, therefore they had the Honour to be reckoned almost equal with the *Centurions*. In the Field they usually guarded the chief Standard, being excused from all the Military Drudgery, of standing on the Watch, labouring in the Works, and other servile Employments.

The Emperor *Galba* gave the same Name of *Evocati* to a select Band of young Gentlemen of the *Equestrian Rank*, whom he kept as a Guard in his Palace (*a*).

(*a*) *Sueton. in Galb.* c. 16.

## C H A P. V.

*The several Kinds of the Roman Foot, and their Divisions into Manipuli, Cohorts, and Legions.*

**T**H E whole *Roman Infantry* was divided into four Sorts, *Velites*, *Haslati*, *Principes*, and *Triarii*.

The *Velites* were commonly some of the *Tiros*, or young Soldiers, of mean Condition, and lightly armed. They had their Name *a velocitate*, from their Swiftness and Expedition. They seem not to have been divided into distinct Bodies or Companies, but to have marched in loose Order before the Army.

The *Haslati* were so called, because they used in antient Times to fight with Spears, which were afterwards laid aside, as incommodious; these were taken out the next in Age to the *Velites*.

The *Principes* were generally Men of middle Age, and of greatest Vigour; it is probable, that before the Institution of the *Haslati*, they used to begin the Fight, whence they borrowed their Name.

The *Triarii* were commonly *Veterans*, or hardy old Soldiers, of long Experience and approved Valour. They had their Name from their Position, being marshalled in the third Place, as the main Strength and Hopes of their Party. They are sometimes called *Pilarii*, from their Weapon, the *Pilum*.

Every one of these grand Divisions, except the *Velites*, composed thirty *Manipuli*, or Companies; every *Manipulus* made two Centuries, or *Ordines*.

Three *Manipuli*, one of the *Haslati*, another of the *Principes*, and a Third of the *Triarii*, composed a *Cohors*. Among these, one was filled with some of the choicest Soldiers and Officers, obtaining the honourable Title of *Prima Cohors*. We meet too with the *Prætoria Cohors*, instituted by *Scipio Numantinus*; selected for the most Part out of the *Evocati* or Reformades, and obliged only to attend on the *Prætor*

*Prætor* or General: And this gave Original to the *Prætoriani*, the Life-guard of the Emperors.

Ten Cohorts made up a Legion; the exact Number of Foot in such a Battalion, *Romulus* fixed at three thousand; though *Phutarch* assures us, that after the Reception of the *Sabines* into *Rome*, he encreased it to six thousand. The common Number afterwards, in the first Times of the Free State, was four thousand: In the War with *Hannibal*, it rose to five thousand. After this, it is probable they sunk to about four thousand, or four thousand two hundred again; which was the Number in the Time of *Polybius*.

In the Age of *Julius Cæsar*, we do not find any Legions exceeding the *Polybian* Number of Men; and he himself exprefly speaks of two Legions, that did not make above seven thousand between them (a).

The Number of Legions kept in Pay together, was different, according to the various Times and Occasions. During the free State, four Legions were commonly raised every Year, and divided between the two *Consuls*: Yet in Cases of Necessity, we sometimes meet with no less than sixteen or eighteen, in *Livy*.

*Augustus* maintained a standing Army of twenty-three, or (as some will have it) of twenty-five Legions; but in After-times we seldom find so many.

They borrowed their Names from the Order in which they were raised, as *Prima*, *Secunda*, *Tertia*; but because it usually happened, that there were several *Primæ*, *Secundæ*, &c. in several Places, upon that Account they assumed a Surname, either from the Emperors who first constituted them, as *Augusta*, *Claudiana*, *Galbiana*, *Flavia*, *Ulpia*, *Trajana*, *Antoniana*, or from the Provinces which had been conquered chiefly by their Valour; as *Parthica*, *Scythica*, *Gallica*, *Arabica*, &c. Or from the Names of the particular Deities, for whom their Commanders had an especial Honour, as *Minervia*, and *Apollinaris*: Or from the Region where they had their Quarters; as *Cretensis*, *Cyrenaica*, *Britannica*, &c. Or sometimes upon Account of the Accidents; as *Adju-trix*, *Martia*, *Fulminatrix*, *Rapax*, &c.

(a) *Commentar.* lib. 5.

## C H A P. VI.

*The Division of the CAVALRY, and of the ALLIES.*

**T**HE Horse required to every Legion was three hundred, divided into ten *Turmæ* or Troops, thirty to a Troop, every *Turma* making three *Decuriæ*, or Bodies of ten Men.

This Number of three hundred was termed *justus Equitatus*, and is understood as often as we meet with *Legio cum suo Equitatu*, or *Legio cum justo Equitatu*. And though we now and then find a different Number, as two hundred in a Place or two of *Livy* and *Cæsar*; yet we must suppose this Alteration to have proceeded from some extraordinary Cause, and consequently to be of no Authority against History.

The foreign Troops, under which we may comprise the *Socii* and Auxiliaries, were not divided as the Citizens into Legions, but first into great Bodies, termed *Alæ*, or *Cornua*, and those again into Companies, usually of the same Nature with those of the *Romans*; though, as to this, we have little Certainty in History, being a Matter of small Importance.

We may farther remark, that the Forces which the *Romans* borrowed of the confederate States were equal to their own in Foot, and double in Horse; though by disposing and dividing them with great Policy and Caution, they prevented any Design that they might possibly entertain against the natural Forces; for about a third Part of the foreign Horse, and a fifth of the Foot, were separated from the rest, under the Name of *Extraordinarii*; and a more select Part of those, with the Title of *Ablecti*.

In the Time of the Emperors, the auxiliary Forces were commonly honoured with the Name and Constitution of Legions, though the more antient Appellation of *Alæ*, frequently occurs.

They were called *Alæ*, from their Position in the Army; and therefore we must expect sometimes to find the same Name applied to the *Roman* Soldiers, when they happened to have the same Stations.

## C H A P. VII.

*The Officers in the ROMAN Army; and first of the Centurions and Tribunes; with the Commanders of the Horse, and of the confederate Forces.*

**T**HE military Officers may be divided, according to *Lipshus*, into proper and common; the first presiding over some particular Part, as the *Centurions* and *Tribunes*; the other using an equal Authority over the whole Army, as the *Legati* and General.

We cannot have a tolerable Notion of the *Centurions*, without remembering what has been already delivered; that every one of the thirty *Manipuli* in a Legion was divided into two *Ordines* or Ranks; and consequently the three Bodies of the *Hastati*, *Principes*, and *Triarii*, into twenty Orders a-piece, or ten *Manipuli*. Every *Manipulus* was allowed two *Centurions*, or Captains; one to each Order or Century: And, to determine the Point of Priority between them, they were created at two different Elections. The thirty who were made first, always took the Precedency of the others, and therefore commanded the right Hand Orders, as the others did the Left.

The *Triarii*, or *Pilani*, being esteemed the most honourable, had their *Centurions* elected first; next to them the *Principes*, and afterwards the *Hastati*; whence they were called *primus & secundus Pilus*, *primus & secundus Princeps*, *primus & secundus Hastatus*; and so on.

Here it may be observed, that *primi Ordines* is used sometimes in Historians, for the *Centurions* of those Orders; and the same *Centurions* are sometimes styled *Principes Ordinum* and *Principes Centurionum*.

We may take Notice too, what a large Field there lay for Promotion; first, through all the Orders of the *Hastati*, then quite through the *Principes*; and afterwards from the last Order of the *Triarii*, to the *Frimipilus*, the most honourable of the *Centurions*, and who deserves to be particularly described.

This Officer, besides his Name of *Primipilus*, went under the several Titles of *Dux Legionis*, *Præfectus Legionis*, *Primus Centurionum*, and *Primus Centurio*; and was the *Centurion* of the right Hand Order of the first *Manipulus* of the *Triarians* or *Pilani*, in every Legion. He presided over all the other *Centurions*; and, generally, gave the Word of Command in Exercises and Engagements, by Order of the *Tribunes*. Besides this, he had the Care of the Eagle, or chief Standard of the Legion: Hence, *Aquilæ præesse* is to bear the Dignity of *Primipilus*; and, hence, *Aquila* is taken by *Pliny* for the said Office; and *Juvenal* seems to intimate the same:

*Ut hæc pletem Aquilam tibi Sexagesimus annus  
Adferat.* Sat. xiv. 197.

Nor was this Station only honourable, but very profitable too; for he had a special Stipend allowed him, probably as much as a Knight's Estate; and when he left that Charge, was reputed equal to the Members of the Equestrian Order, bearing the Title of *Primipilarius*; in the same Manner as those, who had discharged the greatest civil Offices, were styled ever after *Consulares*, *Censorii*, *Prætorii*, *Quæstorii*, and *Aedilii*.

The Badge of the *Centurion's* Office was the *Vitis* or Rod, which they bore in their Hand; whence *vitem poscere* imports the same as to sue for a *Centurion's* Place. The *Evo-rati* too had the Privilege of using the *Vitis*, as being in all Respects superior to the *Centurions*.

As to the Reason why this Rod should be made of a Vine-branch, an old Scholiast upon *Juvenal* facetiously says, that *Bacchus* made use of such a Scepter in his martial Expedition, and recommended the Use of it to Posterity.

Besides the *Centurions*, every *Manipulus* had two *Vexillarii* or Ensigns; and every *Centurion* chose two *Optiones*, or *Succenturiones*, to be his Deputies or Lieutenants.

The *Tribunes* owe their Name and Original to *Romulus's* Institution, when he chose three Officers in chief, of that Name out of the three Tribes into which he divided his City. The Number afterwards increased to six in every Legion. They were created, at first by the Kings, afterwards by the *Consuls* or some Time until about A. U. C. 393, when the People assumed this Right to themselves: And though in the War with *Perseus* King of *Macedon*, this Privilege was re-assumed by the *Consuls*

suls (*a*), yet we find that in the very same War, it quickly after returned to the People (*b*). It is probable, that soon after they divided this Power between them, one half of the *Tribunes* being assigned by the *Consuls*, the other half elected by the People. The former were termed *Rufuli*, or *Rutuli*; on Account of *Rutilius Rufus* preferring a Law in their Favour. The others *Comitiati*, as they obtained their Command by the public Votes in the *Comitia* (*c*). They were sometimes chosen from amongst the Equestrian and Senatorian Orders: And in the Time of the *Cæsars*, most (if not all) of the *Tribunes* seem to have been either Senators or Knights. Which occasioned their being divided into the *Laticlavii*, and the *Angusticlavii*; the *latus clavus* properly belonging to the former, and the *angustus clavus* to the latter.

The Business of the *Tribunes* was to decide all Controversies in the Army; to give the Word to the Watch; besides the Care of the Works and Camp, and several other Particulars, which shall be properly attended to as they arise.

They had the Honour of wearing a Gold-ring, in the same Manner as the *Equites*; and as their Office was much esteemed, it was limited to no longer a Continuance than six Months, in order to encrease the Rotation. For the Knowledge of both these Customs, we are beholden to one of the Verses of *Juvenal*, Sat. vii. 89.

*Semestri vatum digitos circumligat auro.*

Every *Turma*, or Troop of Horse, had three *Decurions*, or Captains of ten: But he, that was first elected, commanded the Troop, and the others were but his Lieutenants; though every one of the *Decurions* had an *Optio*, or Deputy under him.

As to the Confederate, or foreign Forces, we are not certain how the smaller Bodies of them were commanded: But it seems most probable, that the *Romans* generally disposed of them according to their Discipline, and assigned them Officers of the same Nature with those of the Legions. But the two *Alæ*, or great Divisions of the Allies, we are assured had each a *Præfet* (appointed them by the *Roman Consul*,) who governed in the same Manner as the legionary *Tribunes*.

(*a*) *Vide Liv. I. 42.*    (*b*) *Vid. Liv. I. 43.*    (*c*) *Vid. Aſcon. Pedian. in Verrin.*

## C H A P. VIII.

*The Legati, and the Imperator, or General.*

**T**HE Design of the *Legati*, at their Institution, was not so much to command, as to advise; the Senate selecting some of the oldest and most prudent Members to assist the General in his Councils. *Dionysius* calls this “The most Honourable and sacred Office among the *Romans*, bearing not only the Authority of a Commander, but, also, the Sanctity and Veneration of a Priest (a)”. And he and *Polybius* gave them no other Name than πετεῖται καὶ σύμβολοι, Elders and Counsellors.

They were chosen commonly by the *Consuls*; the Authority of the Senate concurring with their Nomination: Though this was sometimes slighted, or contradicted; as appears from *Cicero*, in his Orations for *Sextus*, and against *Vatinius*.

They commanded in chief under the General, and managed all Affairs by his Permission; whence *Cæsar* calls their Power *Opera fiduciaria* (b). And, when the *Consul* or *Pro-consul* was absent, they had the Honour of using the *Fasces*, and were intrusted with the same Charge as the Officer whom they represented.

As to the Number of the *Legati*, we have no Certainty, but we may suppose it to have depended upon the Pleasure of the General, and upon the Nature and Consequence of the Affair, in which they were engaged: However, we have very good Authority, to assign one to every legion.

Under the Emperors, there were two Sorts of *Legati*; *Consulares* and *Prætorii*; the first commanded whole Armies, as the Emperor’s Lieutenant-general; and the others, only particular Legions.

The General excelled all other Officers, not only because he had the chief Command of the whole Army, Horse and Foot, Legions and Auxiliaries; but especially as he was allowed the *Auspicia*, or the Honour of taking Omens, which made a very solemn Ceremony in all military Expeditions. Hence they were said, *gerere rem suis auspiciis*, and *suis divis*. This was most properly applied, when they

(a) *Dionys. Halicarn.* lib. 11. (b) *Bello Civil.* lib. 2.

did not act in Person; as *Suetonius*, when he reckons up the Conquests of *Augustus*, expresses himself: *Domuit autem partim duellu, partim auspiciis suis, &c.* (a).

*Machiavel* (b) highly extols the Wisdom of the *Romans* in allowing their Generals unlimited Commissions, by which they were empowered to fight or not; to attack a Town or not, or to conduct themselves as they would, without controul; the Senate only reserving the Power of making Peace and War, unless upon extraordinary occasions. This Conduct was the Occasion of many remarkable Victories, that otherwise would have been prevented. Thus, when *Fabius Maximus* had given the *Tuscans* a considerable Defeat at *Sutrium*, and entered on a Resolution to pass the *Ciminian Forest*, (a very dangerous and difficult Adventure;) he proceeded without waiting for farther Orders from *Rome*, marching his Forces into the Enemies Country, and, at the other Side of the Forest, gave them a total Overthrow. In the mean Time, the Senate, fearing he might venture on such an hazardous Attempt, sent the *Tribunes* of the Commons, with other Officers, to order him not by any Means to think of such an Enterprise; who not arriving till he had effected his Design, instead of hindering its Execution, returned with the joyful News of his Success (c).

The Preparation for the General's departure was attended with great Pomp and Superstition. The public Prayers and Sacrifices for his Success being finished, he, habited in a rich *Paludamentum*, or a Robe of Purple or Scarlet, interwoven with Gold, begun his March out of the City, accompanied with a vast Retinue of all Sexes and Ages; especially, if the Expedition was undertaken against any potent Adversary; all the People were desirous to attend him with their Wishes, on whom all their Hopes and future Prosperity depended.

If it would not be too minute, we might add a Description of the General's led Horses, with their rich Trappings of Purple and Cloth of Gold: Such as *Dionysius* tells us they brought to honest *Quintius* the *Dictator*, in lieu of those he had left with his Plough; or, as those of *Pompey the Great*, which *Plutarch* mentions to have been taken by the Enemy in the War with *Sertorius*.

(a) *Suet.* in *Aug.* c. 21. (b) *Machiavel's Discourse on Liv.* (c) *Liv.* l. 9.

The antient Romans had one very superstitious Opinion in regard to the General, who if he consented to be devoted to *Jupiter*, *Mars*, the Earth, and the infernal Gods ; all the Misfortunes, which otherwise might have happened to his Party, would by virtue of this pious Act, be transferred on their Enemies. This Opinion was confirmed by several successful Instances, and particularly in the renowned Family of the *Decii*; of whom, the Father, Son, and Grandson, all devoted themselves for the Safety of their Armies : The first being Consul with *Manlius*, in the War against the *Latins*, and perceiving the left Wing, which he commanded, to give back, he called out to *Valerius* the High-Priest, to perform on him the Ceremony of Consecration, (which we find described by *Livy* in his eighth Book) and immediately spurred his Horse into the thickest of the Enemies Forces, where he was killed, and the *Roman Army* gained the Battle. His Son died in the same Manner in the *Tuscan War*, and his Grandson in the War with *Pyrrhus*; in both which, the *Romans* were successful. *Juvenal* has left this deserved Encomium in his eighth Satyr. 254.

*Plebeiæ Deciorum animæ, plebeia fuerunt  
Nomina : pro totis Legionibus hi tamen, & pro  
Omnibus auxiliis, atque omni pube Latina  
Sufficiunt Diis Infernis, Terræque Parenti :  
Pluris enim Decii quam qui servantur ab illis.*

From a mean Stock the pious *Decii* came,  
Small their Estates, and Vulgar was their Name :  
Yet such their Virtue, that their Loss alone,  
For *Rome* and all our Legions could atone :  
Their Country's Doom they by their own retriev'd,  
Themselves more worth than all the Host they sav'd.

STEPNEY.

## C H A P. XVI.

## Of the ROMAN Arms and Weapons.

**F**OR the Knowledge of this Subject, it is not necessary we should take them in the common Division of Offensive and Defensive, but rather place them together, as they belonged to the different Parts of the Soldiery they were intended for.

As to the *Velites*, their Arms were the *Spaniſh* Swords, which the *Romans* thought of the best Shape and Temper, and fitteſt for Execution, being ſomething like the *Turkiſh* Scymitars, but ſharper at the Point.

*Hastæ*, or Javelins, which are light and slender Weapons; of these each Man was furnished with not leſs than ſeven.

*Parma*, a round Buckler, (three Feet in Diameter,) of Wood covered with Leather.

*Galea*, or *Galerus*, a light Casque for the Head, generally made of the Skin of ſome wild Beast, to appear the more terrible. Hence *Virgil*, *AEn.* vii. 688.

— *Fulvoſque lupi de pelle galeros.*  
and *Propertius*, iv. xi. 20.

*Et galea birsuta compta lupinâ jubâ.*

It seems probable, that after the *Socii* were admitted into the *Roman* Legions, the particular Order of the *Velites* was discontinued, and ſome of the youngest Soldiers were appointed to skirmish before the main Body. Hence we find, among the light Forces in the Times of the Emperors, the *Sagittarii* and *Funditores*, who never conſtituted any Part of the proper *Velites*. And ſo, before the Institution of the *Velites*, we meet with the *Rorarii*, whom *Sallust* calls *Ferentarii*, who performed the ſame Duty, with ſeveral Sorts of Weapons.

Some attribute the like Employment to the *Accensi*; but these were rather ſupernumerary Recruits, or a Kind of Serjeants, in the more antient Armies.

The Arms of the *Hastati*, *Principes*, and *Triarii*, were in a great Measure the ſame; and therefore *Polybius* has not diſtributed them in his Description, but ſpeaks of them altogether.

Their Swords were the same as those of the *Velites*; nor is it necessary to observe any Thing more than that the Roman Soldiers used commonly to wear it on their right Side, that it might not hinder their Shield; though they are often represented otherwise in antient Monuments.

Their other Arms, were the *Scutum*, the *Pilum*, the *Galea*, and the *Lorica*.

The *Scutum*, was a Buckler of Wood, the Parts being joined together with little Plates of Iron, and the whole covered with a Bull's Hide: Bound on the outer Edge with Iron to keep off Blows; and likewise within, to prevent its being injured when lying on the Ground: In the Middle was an Iron Boss or *Umbo* rising in a conical Form, very serviceable to glance off Stones and Darts, and sometimes to press violently upon the Enemy. They are to be distinguished from the *Clipei*, which were less, and quite round, belonging more properly to other Nations; though for some Time used by the Romans. The *Scuta* themselves were of two Kinds; the *Ovata*, and the *Imbricata*: The former of a plain oval Figure; the other oblong, and bending inward, like a half Cylinder. *Polybius* makes the *Scuta* four Feet long, and *Plutarch* calls them *modicæ, reaching down to the Feet* (a). And it is very probable, that they covered almost the whole Body, since in *Livy* we meet with Soldiers on Guard, sometimes sleeping with their Head laid on their Shield, having fixed the other Part of it on the Ground (b).

The *Pilum* was a Missive Weapon, which they darted at the Fnemy. It was commonly four Square, but sometimes round; composed of a Piece of Wood about three Cubits long, and a Slip of Iron of the same length, hooked and jagged at the Point. They took abundance of Pains in joining the two Parts together, and did it so effectually, that it would oftener fail in the Iron than in the Joint. Every Man had two of these *Pila*; and this Number the Poets allude to:

*Eina manu lato crispans hastilia ferro.* Virg. Æn. i. 317.

*Quæ duo sola manu geslans acclivia monti  
Fixerat, interquet jacula.* Statius *Thebaid.* ii.

(a) *Plut.* in *F. Ægypto.* (b) *Liv.* lib. 44.

*C. Marius*, in the *Cimbrian War*, contrived these *Pila* after a new Manner : For before, where the Wood was joined to the Iron, it was made fast with two Iron Pins : *Marius* suffered one to remain as before, and put in the Place of the other, a weak wooden Peg ; so contrived, that when it took Place in the Enemies Shield, it should not stand firm as formerly ; but, by the wooden Peg breaking, the Iron should bend, and the Javelin continuing to stick by its crooked Point, should weigh down the Shield (*a*).

The *Galea* was a Head-piece, or *Morion*, coming down to the Shoulders, commonly of Brass : Though *Plutarch* tells us, that *Camillus* ordered those of his Army to be Iron, as the stronger Metal (*b*). The lower Part of this, they called *Buccula*, as we have it in *Juvenal* :

—*Fracta de casside Buccula pendens.* Sat. x. 134.

A Chap-faln Beaver loosely hanging by  
The Cloven Helm.—

On the Top, was the *Crista*, or Crest ; in the ornamenting of which, the Soldiers much prided themselves. In the Time of *Polybius* they wore Plumes of Feathers of various Colours, to render themselves graceful to their Friends, and terrible to their Enemies, as the Turks do at present. But in most of the old Monuments we find the Crests represented otherwise, and not much different from those on the Top of our modern Head-pieces. *Virgil* mentions the Feathers on a particular Occasion :

*Cujus ohrinæ surgunt de vertice pennæ.* AEn. x. 187.

And he describes *Mezentius's* Crest, as made of an Horse's Mane :

—*Cristaque birefutus equina.* AEn. x. 869.

But whatever the common Soldiers had for their Crest, those of the Officers were more splendid and curious ; being usually worked in Gold or Silver, and reaching quite across the Helmet for Distinction-sake. If we might mention those of foreign Commanders, the Crest of King *Pyrrhus*, was very singular, which *Plutarch* describes as made of two Goats Horns (*c*).

(*a*) *Plutarch in Mario.*    (*b*) *Idem in Camill.*    (*c*) *Idem in Pyrrho.*

The *Lorica* was a Brigandine or Coat of Mail, generally made of Leather, and worked over with little Hooks of Iron, and sometimes adorned with small Scales of thin Gold; as we find in *Virgil*.

*Loricam consertam hamis,* Æn. iii. 467.

And,

*Nec duplice squama lorica fidelis & auro.* Æn. ix. 707.

Sometimes the *Lorice* were a Sort of Linnen Cassocks, such as *Suetonius* attributes to *Galba*, and like that of *Alexander* in *Plutarch*; or those of the Spanish Troops described by *Polybius* in his Account of the Battle of *Cannæ*.

The poorer Soldiers, who were rated under a thousand Drachms, instead of this Brigandine, wore a *Pectorale*, or Breast-plate of thin Brass, about twelve Fingers square; and this, with what has already been described, rendered them compleatly armed; unless we add *Ocreæ* or Greaves, which they wore on their Legs; perhaps borrowed (as many other Customs) from the *Grecians*, so well known by the Title of

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Ἀχαρί μιδες Ἐλκνή

In the early Times of the *Romans*, their Cavalry used only a round Shield, with an Helmet on their Head, and a Couple of Javelins in their Hands; great Part of their Body being left without Defence. But as soon as they found the great Inconveniences to which they were exposed, they began to arm themselves like the *Grecian* Horse, or much like their own Foot; only their Shield was a little shorter and more square, and their Launce or Javelin thicker, with Spikes at each end, that, if one failed them, they had another to depend on.

## C H A P. X.

*The Order of the Roman Army drawn up in Battalia.*

WHEN the Officers marshalled the Army in order to engage, the *Hastati* were placed in the Front, in thick and firm Ranks; the *Principes* behind them, but not altogether so close; and after them the *Triarii*, in so loose an Order, that, they could receive both the *Principes* and the *Hastati* into their Body when necessary. The *Velites*, and in latter Times the Bowmen and Slingers, were not drawn up in this regular Manner, but disposed of either before the Front of the *Hastati*, or scattered among the void Spaces of the same *Hastati*, or sometimes placed in two Bodies on the Wings; but where-ever they were fixed, these light Soldiers began the Combat, skirmishing in detached Parties with the flying troops of the Enemy. If they prevailed, which very seldom happened, they prosecuted the Victory; but upon a Repulse they fell back by the Flanks of the Army, or rallied again in the Rear. When they retired, the *Hastati* advanced against the Enemy; and in Case they found themselves over-powered, retiring softly toward the *Principes*, fell into the Intervals of their Ranks, and, with them, renewed the Engagement. But if the *Principes* and the *Hastati* thus joined were too weak to sustain the Weight of the Battle, they all fell back into the wider Intervals of the *Triarii*; and then all together being united into a compact Body, they made another Effort, much more impetuous than any before. If this Assault proved ineffectual, the Day was entirely lost, as to the Infantry, there being no other Reserve.

This Way of marshalling the Foot, was in Form of that Order practised by Gardiners, which they call the *Quincunx* (a); which is admirably compared to it in Virgil (b).

*Ut saepe ingenti bello cum longa cohortes  
Explicuit Legio, & campo stetit agmen aperto,*

(a) The Order is aptly represented by the Position of the Dots on the Cards called the five of Diamonds. (b) Georg. ii. 279.

*Directæque acies, ac late fluctuat omnis  
 Ære residenti tellus, necdum horrida miscent  
 Prælia, sed dubius mediis Mars errat in armis:  
 Omnia sint paribus numeris dimensa viarum.  
 Non animum modo uti pascat prospectus inanem;  
 Sed quia non aliter vires dabit omnibus æquas  
 Terra, neque in vacuum poterunt se extendere rami,*

As Legions in the Field their Front display,  
 To try the Fortune of some doubtful Day,  
 And move to meet their Foes with sober Pace,  
 Strict to their Figure, though in wider Space,  
 Before the Battle joins, while from afar  
 The Field yet glitters with the Pomp of War;  
 And equal *Mars*, like an impartial Lord,  
 Leaves all to Fortune, and the Dint of Sword;  
 So let thy Vines in Intervals be set,  
 But not their rural Discipline forget,  
 Indulge their Width, and add a roomy Space,  
 That their extrekest Lines may scarce embrace.  
 Nor this alone t'indulge a vast Delight,  
 And make a pleasing Prospect for the Sight:  
 But for the Ground itself, this only Way  
 Can equal Vigour to the Plants convey,      }  
 Which crowded, want the Room their Branches to dis-      }  
 play.      }

DRYDEN.

And as the Reason of that Position of the Trees is not only for Beauty and Figure, but that every particular Tree may have Room to spread its Roots and Boughs, without entangling and hindering the rest; so in this ranking of the Men, the Army was not only set out to the best Advantage, and made the greatest Show, but every particular Soldier had free Room to use his Weapons, and to withdraw himself between the void Spaces behind him, without occasioning any Confusion or Disturbance.

The Stratagem of thus rallying three Times, has been reckoned almost the whole Art and Secret of the *Roman* Discipline; and it was almost impossible it should prove unsuccessful, if duly observed: For Success, in every Engagement, must have failed them three several times, before they could be routed; and the Enemy must have had the Strength and Resolution to overcome them in three several

ral Encounters, for the Decision of one Battle: Whereas most other Nations, and even the *Grecians* themselves, drawing up their whole Army, as it were, in one Front, depended on the Effort and Success of a single Charge.

The *Roman Cavalry* was posted at the two Wings of the Army; and fought sometimes on foot, sometimes on Horseback, as Occasion required, as is practised by our Dragoons: The Confederate, or Auxiliary Forces, composed the two Wings of the Army, so covered the whole Body of the *Romans*.

As to the Stations of the Commanders, the Generals commonly took up his Post near the Centre of the Army, between the *Principes* and the *Triarii*, as the fittest Place to give Orders equally to all the Troops. Thus *Virgil* disposes of *Turnus*:

— — — *Medio Dux agmine Turnus  
Vertitur, Arma tenens.* — — — *AEn. ix. 28.*

The *Legati* and *Tribunes* were usually posted by him; unless the former were ordered to command the Wings, or the others some particular Part of the Army.

The *Centurions* stood every Man at the Head of his Century to lead them up; though sometimes, out of Courage and Honour, they exposed themselves in the Van of the Army: As *Sallust* reports of *Cataline*, that he posted all his choice *Centurions*, with the *Evocati*, and the Flower of the Common Soldiers, in the Front of the Battle. But the *Principili*, or chief *Centurions*, had the Honour to stand with the *Tribunes*, near the General's Person.

The common Soldiers were placed in several Ranks, at the Discretion of the *Centurions*, according to their Age, Strength, and Experience; every Man having three Feet Square allowed him to manage his Arms in: And it was most religiously observed in their Discipline, never to abandon their Ranks, or break their Order, upon any Account.

But besides the common Methods of drawing up the Army, which are sufficiently explained by every Historian of any Note, there were several other very singular Methods of forming themselves for Battle, according to the Nature of Circumstances.



Duo Milites cum Utensilibus



## C H A P. XI.

*The Ensigns and Colours ; the Music ; the Word in Engagements ; the Harangues of the General.*

HERE are several Things not yet mentioned, relating to the Army, worthy of Observation and necessary to be known before we describe their Camps and Discipline ; such as the Ensigns, the Music, the Word or Sign made use of when engaged, and the Harangues of the General previous to it.

As to the Ensigns, they were either proper to the Foot, or to the Horse. Ensigns belonging to the Foot, were either the Common one of the whole Legion, or the particular ones of the several *Manipuli*.

The common Ensign of the whole Legion was an Eagle of Gold or Silver, fixed on the Top of a Spear, holding a Thunderbolt in her Talons, as ready to deliver it. That this was not peculiar to the *Romans*, is evident from the Testimony of *Xenophon*; who informs us, That the Royal Ensign of *Cyrus* was a golden Eagle spread over a Shield, and fastened on a Spear; and that the same was still used by the *Persian Kings* (a).

What the Ensigns of the *Manipuli* formerly were, the very Word points out to us ; for, as *Ovid* expresses it,

*Pertica suspensos portabat longa Maniplos,  
Unde Maniplaris nomina miles habet.*

*Manipulus* properly signifying a Wisp of Hay, such as in ruder Times the Soldiers carried on a Pole for an Ensign.

But this was in the rustic Age of *Rome* : Afterwards they made use of a Spear, with a transverse Piece on the Top, almost like a Cross ; and sometimes with a Hand on the Top, in Allusion to *Manipulus* : Below the transverse Part was fastened one little orbicular Shield, or more, in which they sometimes placed the smaller Images of the Gods, and in latter Times, of the Emperors.

(a) *De Inst. Cyri*, lib. 7.

*Augustus* ordered a Globe fastened on the Head of a Spear to serve for this Use, in Token of the Conquest of the whole World.

The Ensign of the Horse was not solid as the others, but of Cloth, almost like our Colours, extending from a Staff. On these were commonly the Names of the Emperors, in Golden or Purple Letters.

The Religious Care the Soldiers took of the Ensigns, was extraordinary; they worshipped them, swore by them, and incurred certain Death if they lost them. Hence it was an usual Stratagem in a dubious Engagement, for the Commanders to snatch the Ensigns out of the Bearers Hands, and throw them among the Troops of the Enemy, knowing that their Men would venture the extrekest Danger to recover them.

As for the several Kinds of Standards and Banners, introduced by the later Emperors, just before Christianity, and afterwards, they do not fall under the present Enquiry, which is confined to the more flourishing and vigorous Ages of the Common-wealth.

The Romans used only Wind-music in their Army; the Instruments, which served for that Purpose, may be distinguished into the *Tubæ*, the *Cornua*, the *Buccinæ*, and the *Litui*.

The *Tuba* is supposed to have been exactly like our Trumpet, running on wider and wider in a direct Line to the Extremity.

The *Cornua* were bent almost round; they owe their Name and Original to the Horns of Beasts, put to the same Use in the ruder Ages.

The *Buccinæ* seem to have taken their Rise from the same Original, and derive their Name from *Bos* and *Canus*. It is very hard to distinguish those from the *Cornua*, unless they were something less, and not quite so crooked: Yet it is most certain, that they were of a different Species; as we never read of the *Cornua* in Use with the Watch, or Centinels, but only these *Buccinæ*.

The *Litui* were a middle Kind between the *Cornua* and the *Tubæ*, being almost straight, only a little turning in at the Top, like the *Lituus*, or sacred Rod of the *Augur*, from which they borrowed their Name.

These Instruments being all made of Brass, the Players on them went under the Name of *Aeneatores*, besides the particular Term of *Tubicines*, *Cornicines*, *Buccinatores*, &c. and there seems to have been a set Number assigned to every *Manipulus* and *Turma*; besides several of an higher Order,

Order, and common to the whole Legion. In a Battle, the former took their Station by the Ensign, or Colours, of their particular Company, or Troop: The others stood near the Chief Eagle in a Ring, near the General and principal Officers; and when the Orders were given by the General, these began to sound, and were followed by the rest, dispersed through the several Parts of the Army.

Besides this *Classeum*, or Sound of Instruments, the Soldiers gave a general Shout at the first Onset (*a*), which in latter Ages they called *Barritus*, from a German Original.

This Custom seems to have arose from an Instinct of Nature, and is attributed almost to all Nations that engaged in any Martial Action; as by Homer to the *Trojans*; by *Tacitus* to the *Germans*; by *Livy* to the *Gauls*; by *Quintus Curtius* to the *Macedonians* and *Perians*; by *Thucydides*, *Plutarch*, and other Authors, to the *Grecians*. *Polyænus* honours *Pan* with the Invention of the Device, when he was Lieutenant-General to *Bacchus* in the *Indian Expedition*; and if so, we have a very good Original for the *Terrores Panici*, or *Panic Fears*, which might well be the Consequence of such a dismal and surprising Clamour. The *Romans* made one Addition to this Custom, of clashing their Arms with great Violence, to improve the Strength and Terror of the Noise. This they called *Concussio Armorum*.

Our famous *Milton* has given us a noble Description of it, as used by the Rebel Angels after their Leader's Speech for the renewing of the War:

He spake: And to confirm his Words, out flew  
 Millions of flaming Swords, drawn from the Thighs  
 Of mighty Cherubims; the sudden Blaze  
 Far round illumin'd Hell: Highly they rag'd  
 Against the Highest, and Fierce with grasped Arms,  
 Clash'd on their Sounding Shields, the Din of War,  
 Hurling Defiance toward the Vault of Heaven.

*Parad. Lost*, B. I.

The Signs of Battle, besides the *Classeum*, were either a Flag or Standard, erected for that Purpose, which *Plutarch*, in Two several Places, calls a *Purple Robe*; or more properly some Word or Sentence communicated

(a) *Vid. A. Gell. Noct. Attic. lib. i. cap. ii.*

by the General to the Chief Officers, and by them to the whole Army. This commonly contained some good Omen; as, *Felicitas*, *Libertas Victoria*, *Fortuna Cæsaris*, and the like; or else the Name of some Deity; as *Iulius Cæsar* used *Venus Genitrix*; and *Augustus*, *Apollo*. The old *Tessera*, put to this Use, seems to have been a Sort of Tally delivered to every Soldier to distinguish him from the Enemy; and, perhaps, on that they used to inscribe some particular Word or Sentence, which afterwards they made use of without the Tally.

One great Encouragement, which the Soldiers received on their Entrance on any Adventure, was from the Harangue of the General; who, upon the undertaking an Enterprize, had a Throne erected with green Turf, surrounded with the *Fasces*, Ensigns, and other Military Ornaments; from whence he addressed himself to the Army, put them in Mind of the noble Achievements of their Ancestors, told them their own Strength, and explained the Order and Force of the Enemy; raising their Hopes with the glorious Rewards of Honour and Victory, and dissipating their Fears by all the Arguments that a natural Courage and Eloquence could suggest: This was termed *Allocutio*. Which Custom, though now laid aside as antiquated and useless, yet is highly commended in the antient Discipline, and, without doubt, has been often the Cause of extraordinary Successes, and the Means of stifling Sedition, hindering rash Action, and preventing many unfortunate Disorders in the Field.

## C H A P. XII.

### *The Form and Division of the ROMAN Camp.*

THE Romans were not more exact in any Thing than in forming their Camp; and Two very great Commanders, *Philip* of *Macedon*, and King *Pyrrhus*, upon a View of their admirable Order and Contrivance, are reported to have expressed the greatest Admiration imaginable of the Roman Art, and to have thought them more than *Barbarians*, as the *Grecians* termed all People besides themselves.

ECONOMISTS ACTIEF INTEGRATIE

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The *Excubiae* were kept either in the Camp, or at the Gates and Intrenchments. For the former, there was allowed a whole *Manipulus* to guard the *Prætorium*; and four Soldiers to the Tent of every *Tribune*.

The *Triarii*, as the most honourable Order, were excused from the ordinary Watches; and yet being placed exactly opposite to the *Equites*, they were obliged to have an Eye over their Horses.

The *Excubiae*, at the Gates of the Camp, and at the Intrenchments, were properly called *Stationes*. There seems to have been assigned one Company of Foot, and one Troop of Horse to each of the four Gates every Day. And it was a most unpardonable Crime to desert their Post, or abandon their Corps. The Excellency of the *Roman Discipline*, in this Particular, has appeared on many Occasions to their great Honour, and Benefit of their Affairs. To give one Instance: At the Siege of *Agrigentum* in *Sicily*, in the first *Punic War*, when the *Roman Guards* had dispersed themselves abroad farther than they ought into the Country for Forage. The *Carthaginians* embracing an Opportunity, made a vigorous Sally from the Town, and in all Probability would have forced the Camp; the Soldiers, who had thus neglected their Duty, being sensible of the extreme Penalty they had incurred, resolved to repair the Fault by some remarkable Action; and accordingly rallying, they not only sustained the Shock of the Enemy, to whom they were far inferior in Number, but made so great a Slaughter, as compelled them to retreat to their Works, after they had almost forced the *Roman Lines* (*a*).

The Night-guards, assigned to the General and *Tribunes*, were of the same Nature as those in the Day. But the proper *Vigiles* were four in every *Manipulus*, keeping Guard three Hours, and then relieved by Fours: So that there were four Sets in a Night, according to the four Watches, which took their Name from this Custom.

The Way of setting this nightly Guard, was by a Tally or *Tessera*, with a particular Inscription given from one Centurion to another, quite through the Army until it came again to the Tribune, who had first delivered it. Upon the Receipt of it, the Guard was immediately set. The Person, deputed to carry the *Tessera* from the Tribunes to the Centurions, was called *Tesserarius*.

(*a*) *Vide Polyb. lib. 1.*

But, because this was not a sufficient Regulation of the Business, they had the *Circuitio Vigilum*, (the Rounds) performed commonly about four Times in the Night, by some of the Horse. Upon extraordinary Occasions, the Tribunes and Lieutenant-generals, and sometimes the General himself, made these Rounds in Person, and took a strict View of the Watch in every Part of the Camp.

*Livy* (a) taking an Occasion to compare the *Macedonians* with the *Roman* Soldiers, gives the latter the Preference, chiefly for their unweared Labour and Patience in carrying on their Works. And that this was no mean Encomium, appears from the Character *Polybius* (b) has bestowed on the *Macedonians*, that scarce any People endured Hardships better, or were more patient of Labour whether in their Fortifications or Encampments, or in any other painful Employment incident to the Life of a Soldier. There is no better Way of shewing the Excellence of the *Romans* in this Particular, than by giving some remarkable Instances of their military Works; and we may be satisfied with an Account of some of them, which are handed down by *Julius Cæsar*.

When he besieged a Town of the *Atuatici* in *Gallia*, he surrounded it with a Rampart of twelve Feet high, and as many broad; strengthened by a vast Number of wooden Posts: The whole Compass including fifteen Miles: And all this he finished with such wonderful Expedition, that the Enemy were obliged to confess, they thought the *Romans* were assisted in these Attempts by some divine Power (c).

At another Time, in an Expedition against the *Helvetii* in the same Country, with the Assistance only of one Legion, and some provincial Soldiers, he raised a Wall nineteen Miles long, and sixteen Feet high, with a Ditch proportionable (d).

More remarkable than either of these were his Fortifications before *Alesia*, or *Alexia* in *Burgundy*, described by himself at large in his seventh Book; by which he protected his Army against fourscore thousand Men that were in the Town, two hundred and forty thousand Foot, and eight thousand Horse that had marched to their Assistance (e).

(a) L. 9. (b) L. 9. (c) *Cæsar. de Bell. Gall. lib. 2. cap. 8.* (d) *Idem. B:ll. Gall.* (e) *Ib. lib. 7.*

But his most wonderful Performance, of this Nature, were the Works by which he shut up Pompey and his Army in *Dyrrachium*, reaching from Sea to Sea ; which are thus elegantly described by *Lucan*, Lib. vi.

*Franguntur montes, planumque per ardua Cæsar  
Dicit opus: pandit fossas, turritaque summis  
Disponit Castella jugis, magnoque recessu  
Amplexus fines, saltus, nemorosaque tesqua,  
Et silvas, vastaque feras indagine claudit :  
Non desunt campi, non desunt pabula Magno,  
Castraque Cæsareo circumdatus aggere mutat, &c.*

Vast Cliffs, beat down, no more o'erlook the Main,  
And levell'd Mountains form a wond'rous Plain :  
Unbouned Trenches with high Forts secure  
The stately Works, and scorn a rival Power.  
Woods, Forests, Parks, in endles Circuit join'd,  
With strange Enclosures cheat the Savage Kind.  
Still Pompey's Foragers secure may range ;  
Still he his Camp, without Confinement, change, &c.

The Exercises of the Body were, Walking, Running, Leaping, Vaulting and Swimming. The first was very serviceable upon Account of long Marches, which were sometimes of Necessity to be undertaken ; the next to make them give a more violent Charge on the Enemy ; and the two last for climbing the Ramparts and passing the Ditches. The Vaulting belonged properly to the Cavalry, and is still owned as useful as ever.

The Exercises of their Arms *Litus* divides into *Palaria* and *Armatura*.

The *Exercitia ad Palum*, or *Palaria*, were performed in this Manner: They set up a great Post about six Feet high, suitable to the Stature of a Man ; and this the Soldiers were used to attack with all Instruments of War, as if it were indeed a real Enemy ; learning upon this, by the Assistance of the *Campidoctores*, how to place their Blows. *Juvenal* brings in the very Women practising this Exercise.

—*Vel quis non vidit vulnera Pali  
Quem cavat assiduis sudibus, scutoque lacefit?* Sat. vi. 246,

Who has not seen them, when, without a Blush  
Against the Post their Wicker-Shields they crush,  
Flourish the Sword, and at the Plastron push?

DRYDEN.

*Armatura* consisted chiefly in the Exercises performed with all Manner of missive Weapons; as throwing the Spear or Javelin, shooting Arrows, and the like; in which the *Tirones*, or new listed Men, were trained with great Care, and the severest Discipline. *Juvenal* may, perhaps, allude to this Custom in his fifth Satyr: *Vide Juvenal, 153.*

*Tu scabie frueris mali, quod in aggere rodit,  
Qui tegitur parma & galea, metuensque flagelli  
Discit ab hirsuto jaculum torquere Capella.*

To you such scabb'd harsh Fruit is given, as raw  
Young Soldiers at their Exercising gnaw,  
Who trembling learn to throw the fatal Dart,  
And under Rods of rough Centurions smart.

DRYDEN.

Nor did the common Soldiers only practise these Feats, but the Commanders themselves often set them an Example of Industry, and were very eminent for their Dexterity in Performances of this Nature. Thus the famous *Scipio* is described by *Italicus*:

*Ipse inter medios venturæ ingentia laudis  
Signa dabat, vibrare sudem, transmittere saltu  
Murales fessas, undum frangere nando  
Indutus thoraca vadum, spectacula tantæ  
Ante acies virtutis erant; saepe alite planta  
Ilia perfoßum, & campi per aperta volantem  
Ipse pedes prævertit equum: saepe arduus idem  
Castrorum spatium & saxo transmisit & baſta.* Lib. viii.

Among the rest the noble Chief came forth,  
And shew'd glad Omens of his future Worth:  
High o'er his Head, admir'd by all the Brave,  
He brandish'd in the Air his threat'ning Staff;  
Or leap'd the Ditch, or swam the spacious Moat,  
Heavy with Arms, and his embroider'd Coat.  
Now fiery Steeds, tho' spurr'd with Fury on,  
On Foot he challeng'd, and on Foot out-run;

While cross the Plain he shap'd his airy Course,  
Flew to the Goal, and sham'd the gen'rous Horse.  
Now pond'rous Stones, well poiz'd, with both his Hands  
Above the wond'ring Crowd unmov'd he sends ;  
Now cross the Camp aims his long Ashen Spear,  
Which o'er ten thousand Heads flies singing thro' the Air.

Thus have we taken a short View of the chief Duties, Works, and Exercises of the Soldiers; but we must not forget the constant Labour of carrying their Baggage on their Shoulders in a March; this was commonly so heavy a Burden, that *Virgil* calls it *injustus fascis*. Georg. iii. 346.

*Non secus ac patriis acer Romanus in armis  
Injusto sub fasce viam dum carpit, & hosti  
Ante exspectatum positis stat in ordine castris.*

Thus under heavy Arms the Youth of *Rome*  
Their long laborious Marches overcome;  
Bending with unjust Loads they clearly go,  
And pitch their sudden Camp before the Foe.

DRYDEN.

## C H A P. XIV.

### Of the SOLDIERS PAY.

THE Roman Pay consisted of three Parts; Money, Corn, and Cloaths.

As to the Money, it is very certain for above three hundred Years together the Army served at their own Charge; and when afterwards a certain Pay was established, it was no more than two *Oboli* a Day to the Foot; to the inferior Officers, and the *Centurions*, four *Oboli*: And to the Horse a *Drachma* a-piece. It is probable that the *Tribunes* received what was counted very considerable, (though *Polybius* is silent in this Matter) since, in several Authors, we find a large Salary expressed by a Metaphor taken from a *Tribune's* Stipend: Thus *Juvenal* particularly:

—*Alter enim, quantum in Legione Tribuni  
Accipiunt, donat Calvinæ vel Catienæ.* Sat. iii. 132.

For t'other wealthy Rogue can throw away  
Upon a single Girl a Tribune's Pay.

Yet *Liftius* has conjectured, from very good Authority, that it could not be more than four Times the ordinary Stipend, or a *Drachma* and two *Oboli*.

And these were all such mean Considerations, that *Livy* had very good Reason for his Remark : *Nulla unquam Republica fuit, in quam tam sero avaritia luxuriaque immigraverint, nec ubi tantus ac tam diu paupertati ac parcimoniae bonos fuit* (a). Never was there any State or Kingdom in which Avarice and Luxury so late gained a Head, or where honest Poverty and Frugality continued longer in Esteem and Veneration.

*Julius Cæsar* was the first that made any considerable Alteration in this Affair ; who, as *Suetonius* affirms, doubled the legionary Pay for ever.

*Augustus* made an Augmentation of ten *Asses* a Day ; and the following Emperors such large Additions, that in the Time of *Domitian*, the ordinary Pay was twenty-five *Asses per Diem*.

The Paymasters were the *Quæstors*, or rather the *Tri-buni Aerarii*, who were a distinct Society from the former, and who, (as *Vossius* (b) has settled the Point) were commissioned to take up Money of the *Quæstors* to pay off the Army. But it is probable, that being many in Number, as they are constantly represented in History, they had some other Business besides this given in Charge. *Calvin* the *Ci-cilian* says, that they had the Supervisal of all the Money coined in the City, as the *Quæstor* took care of the Taxes coming in from the Provinces (c).

Besides the Pay received in Money, we read of Corn and Cloaths often given to the Soldiers : But *Polybius* assures us, That the *Quæstor* always subtracted some Part of their Pay on that Account : And *Plutarch*, among the popular Laws of *C. Gracchus*, makes him the Author of one, ordaining, that the Soldiers should be cloathed at the Ex-pence of the State, without the least Diminution of their Stipend. The Wheat allowed to the Foot was every Man four *Modii* a Month ; to the Horse two *Modii*, and seven of Barley.

It was common for the Soldiers, especially in the Time of the strict Discipline, to prepare the Corn themselves for

(a) *Liv.* lib. 1. (b) *In Etym. Lat. in Ve. Trib.* (c) *Calv. Jur. in Ve. tri-buni Aerarii.*

their own Use; and therefore some carried Hand-mills about with them, to grind it with; others pounded it with Stones; and this, hastily baked upon the Coals, very often furnished them with a Meal, which they made upon Tables of Turf, with no other Drink than bare Water, or what they called *Posca*, Water sharpened with a Mixture of Vinegar.

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## C H A P. • XV.

## Of the MILITARY PUNISHMENTS.

THE Punishments used in the Camp, were such as reached either the Offenders Bodies, Credit, or Goods. The corporal Punishments were usually beating with the *Vites* or Rods, or bastinading with the *Fustes*: The last, though already reckoned among the civil Punishments which did not touch the Life of the Malefactor; yet in the Camp it was for the most Part capital, and was inflicted in this Manner. The convicted Person being brought before the *Tribune*, was by him gently struck over the Shoulders with a Staff: After this, the Criminal had Leave to run; but, at the same Time, the rest of the Soldiers had Liberty to kill him if they could: So that being attacked by Swords, Darts, Stones, and all Manner of Weapons on every Hand, he was presently dispatched. This Penalty was incurred by stealing any Thing out of the Camp; by giving false Evidence; by abandoning their Post in a Battle; by pretending falsely to have done some great Exploit, through Hopes of a Reward; or by fighting without the General's Order; by losing their Weapons; or by aggravating a less Misdemeanour, by repeating it three Times.

If a great Number had offended, as in running from their Colours, mutinying, or other general Crimes, the common Way of proceeding to Justice was by *Decimation*, or putting all the Criminals Names together in a Shield or Vessel, and drawing them out by Lot; every tenth Man being to die without Reprieve, commonly in the Manner just now described: So that by this Means, though all were not alike sensible of the Punishment; yet all were frightened into Obedience. In later Authors we meet sometimes with *Vicesimatio*, and *Centesimatio*, Words which sufficiently explain themselves.

The Punishments which reached no farther than their Credit, by exposing them to public Shame, were such as these; degrading them from a higher Station to a lower; giving them a set Quantity of Barley instead of Wheat; ungirding them, and taking away their Belt; making them stand all Supper Time, while the rest sat down; and such other little Marks of Disgrace.

Besides these, *A. Gellius* has recorded a very singular Punishment, that of letting the Delinquent Blood. His Judgment concerning the Original of this Custom, is, that in elder Times, it used to be prescribed to the drowsy and sluggish Soldiers, rather as a Medicine than a Punishment; and that in After-Ages it might have been applied in most other Faults, upon this Consideration, That all those who did not observe the Rules of their Discipline, were to be looked upon as stupid or mad; and for Persons in those Conditions, Blood-letting is commonly successful (*a*). But because this Reason is hardly satisfactory, the great Critic *Muretus* has obliged us with another, viz. That those mean-spirited Wretches might lose that Blood with Shame and Disgrace, which they dared not spend nobly and honourably in the Service of their Country (*b*).

As to the Punishments relating to Goods and Money, the Tribunes might for several Faults impose a Fine on the Delinquents, and force them to give Pledges, in Case they could not pay. Sometimes too they stopped their Pay; whence they were called, by Way of Reproach, *Ere diruti*.

(*a*) *A. Gel.* lib. 10. cap. 8.

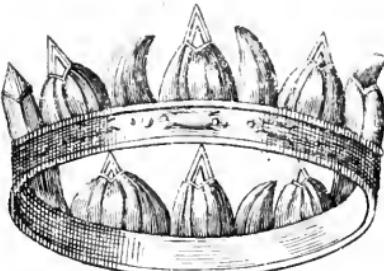
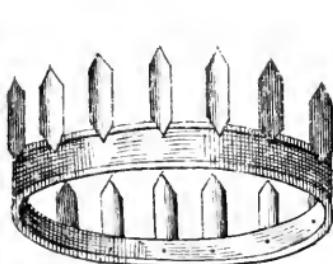
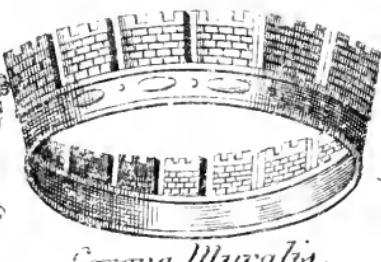
(*b*) *Muret. Variar. Lect.* lib. 13. cap. 20.

## C H A P. XVI.

### *Of the MILITARY REWARDS.*

BUT the Encroachments of Valour and Industry were much more considerable than the Proceedings against the contrary Vices. The most considerable (not to speak of the Promotion from one Station to another, nor of the occasional *Donatives* in Money, distinguished by this Name from the Largeesses bestowed on the common People, and termed *Congiarii*,) were first the *Dona Imperatoria*; such as

The *Hasta pura*, a fine Spear of Wood without any Iron on it; such an one as *Virgil* has given *Sylvius* in the Sixth of the *Aeneids*: line 760.





*Ille vides? purâ juvenis qui nititur bastâ.*

This was usually bestowed on him, who in some Skirmish had killed an Enemy, engaging him Hand to Hand. They were reckoned very honourable, and the Gods are commonly represented with such Spears, on the old Coins. Mr. Walker derives hence the Custom of our great Officers carrying white Rods or Staves, as Ensigns of their Places.

The *Armillæ*, a Sort of Bracelets, given upon Account of some eminent Service, only to such as were born *Romans*.

The *Torques*, Golden and Silver Collars, wreathed with curious Art and Beauty. *Pliny* attributes the Golden Collars to the Auxiliaries, and the Silver to the *Roman* Soldiers; but this is supposed to be a Mistake.

The *Phaleræ*, commonly thought to be a Suit of rich Trappings for a Horse; but, because we find them bestowed on the Foot as well as the Cavalry, we may rather suppose them to have been golden Chains of like Nature with the *Torques*, only that they seem to have hung down to the Breast; whereas the others went only round the Neck. The Hopes of these two last are particularly urged, among the Advantages of a military Life, by *Juvenal*, Sat. xvi. line 60.

*Ut læti phaleris omnes, & torquibus omnes.*

The *Vexilla*, a Sort of Banners of different Colours, worked in Silk, or other curious Materials, such as *Augustus* bestowed on *Agrippa*, after he had won the Sea-fight at *Actium*.

Next to these were the several Coronets, received on various Occasions. As,

*Corona Civica*, given to any Soldier that had saved the Life of a *Roman* Citizen in an Engagement. This was reckoned more honourable than any other Crown, though composed of no better Materials than Oaken Boughs. *Virgil* calls it *Civilis Quercus*, *Aen.* vi. line 772.

*Atque umbrata gerunt civili tempora Quercu.*

*Plutarch* has guessed very happily at the Reason why the Branches of this Tree should be used before all others. For the Oaken Wreath, says he, being Sacred to *Jupiter*, the great Guardian of their City; they might therefore think it the most proper Ornament for him who had preserved a Citizen. Besides the Oak may very well claim the Preference in this Case; because in the primitive Times that Tree alone was thought almost sufficient for preserving Man's Life: Its Acorns were the principal Diet of the first Mortals,

Mortals, and the Honey, which was commonly found there, presented them with a very pleasant Liquor (a).

It was a particular Honour conferred on the Persons who had merited this Crown, That, when they came to any of the public Shows, the whole Company, as well Senate as People, should signify their Respect, by rising up when they saw them enter; and that they should take their Seat on these Occasions among the Senators; being also excused from all troublesome Duties and Services in their own Persons, and procuring the same Immunity for their Father and Grand-father by his Side (b).

*Corona Muralis*, given to him who first scaled the Walls of a City in a general Assault; and therefore in the Shape of it there was some Allusion made to the Figure of a Wall.

*Corona Castrensis*, or *Vallaris*, the Reward of him who had first forced the Enemy's Intrenchments.

*Corona Navalis*, bestowed on such as had signalized their Valour in an Engagement at Sea; being set round with Figures like the Beaks of Ships,

—*Cui belli insigne superbum*

*Tempora Navali fulgent rostrata corona.* Virg. Æn. viii. 684.

*Lipsius* fancies the *Corona Navalis*, and the *Rostrata*, to have been two distinct Species, though they are generally believed to be the same Kind of Crown.

*Corona Obsidionalis*: This was not like the rest, given by the General to the Soldiers, but presented by the Soldiers to the General, when he had delivered the *Romans* or their Allies from a Siege. It was composed of the Grafs growing in the besieged Place.

*Corona Triumphalis*, made with Wreaths of Laurel, and proper only to such Generals as had the Honour of a Tri-

umph. In After-ages this was changed for Gold \*,

\* *Aurum Cetum* and not restrained only to those that actually tri-

umphed, but presented on several Accounts, as

commonly by the foreign States and Provinces to their Patrons and Benefactors. Several of the other Crowns too are thought to have been of Gold; as the *Castrensis*, the *Mural*, and the *Naval*.

Besides these, we meet with the *Coronæ aureæ*, often bestowed on Soldiers without any other additional Term.

(a) *Vide Plutarch.* in *Cratylus*

(b) *Vid. Plin. lib. 16. cap. 4.*

And *Dion Cassius* mentions a particular Sort of Coronet made of Olive Boughs, and bestowed like the rest, in Consideration of some signal Act of Valour.

*Lipsius* believes these to have succeeded to the Golden Crowns, after they were laid aside.

The most remarkable Person upon Record in History, for obtaining a great Number of these Rewards, was one *C. Siccius* (or *Sicinius*) *Dentatus*; who had received in the Time of his Military Service eight Crowns of Gold, fourteen Civic Crowns, three Mural, eighty three Golden Torques, sixty Golden Armillæ, eighteen *Hastæ puræ*, and seventy-five *Phaleræ* (a).

But far greater Honours were conferred on the victorious Generals; some of which were usually decreed them in their Absence; others at their Arrival in the City.

Of the former Kind, were the *Salutatio Imperatoris*, and the *Supplicatio*; of the latter, the *Ovation* and the *Triumphus*.

The first of these first was no more than the saluting the Commander in Chief with the Title of *Imperator*, upon Account of any remarkable Success; which Title was decreed him by the Senate at *Rome*, after it had been given him by the joint Acclamations of the Soldiers in the Camp.

The *Supplicatio* was a solemn Procession to the Temple of the Gods, to return Thanks for any Victory.

After obtaining any such remarkable Advantage, the General commonly gave the Senate an Account of the Exploit by Letters wreathed about with Laurel\*; in which, after the Account of his Success, he desired the Favour of a *Supplication*, or public <sup>\* Literæ Lau-</sup> <sup>reatae.</sup> Thanksgiving.

This being granted for a Set Number of Days, the Senate went in a solemn Manner to the chief Temples, and assisted at the Sacrifices proper to the Occasion; holding a Feast in the Temples to the Honour of the respective Deities. Hence *Servius* explains that of *Virgil*,

—*Simul Divum Templis indicit honorem;*   *AEn.* i. line 636.

as alluding to a solemn *Supplication*.

In the mean Time the whole Body of the Commonalty kept Holy-day, and frequented religious Assemblies; giving

(a) *Vide A. Gai. lib. 2. cap. 11. Valer. Max. &c.*

Thanks for the late Success, and imploring a long Continuance of the Divine Favour and Assistance.

*Oetavius Cæsar*, together with the Consuls, *Hirtius* and *Pansa*, upon their raising the Siege of *Mutina*, were honoured with a Supplication fifty Days long.

At last this Ceremony became ridiculous; as appears from the *Supplications* decreed *Nero*, for the Murder of his Mother, and for the Fruitfulness of *Poppæa*, which we read of in *Tacitus*.

The *Ovation* is supposed to have derived its Name from shouting *Evion!* to *Bacchus*; but the true Original is *Ovis*, the Sheep which was usually offered in this Procession, as an Ox was in the Triumph. The Show generally began at the *Alban* Mountain, whence the General, with his Retinue, made his Entry into the City: He went on Foot with many Flutes, or Pipes, sounding in Concert as he passed along, wearing a Garland of Myrtle as a Token of Peace, with an Aspect rather raising Love and Respect than Fear. *A. Gellius* informs us, that this Honour was then conferred on the Victor, when either the War had not been proclaimed in due Method, or not undertaken against a lawful Enemy, and on a just Account; or when the Enemy was but mean and inconsiderable (*a*). But *Plutarch* has delivered his Judgment in a different Manner: He believes that heretofore the Difference betwixt the *Ovation* and the *Triumph* was not taken from the Greatness of the Atchievements, but from the Manner of performing them: For they who have fought a set Battle, and slain a great Number of the Enemy, returned Victors, led that martial, and cruel Procession of the Triumph. But those who without Force, by Benevolence and civil Behaviour, had completed their Affairs without shedding human Blood; to these Commanders Custom gave the Honour of the peaceable *Ovation*. For a Pipe is the Ensign of Peace, and the Myrtle the Tree of *Venus*, who, beyond any of the other Deities, has an extreme Aversion to Violence and War (*b*).

But whatever other Difference there lay between these two Solemnities, we are assured the Triumph was much the more noble and splendid Procession. None were capable of this Honour but *Dictators*, *Consuls*, or *Prætors*; though we find some Examples of a different Practice; as particularly in *Pompey the Great*, who had a Triumph decreed him, while he was only a *Roman Knight*, and had not yet reached the Senatorian Age (*c*).

(*a*) *Næt. Att.* lib. v. cap. 6. (*b*) *Plut. in Marcell.* (*c*) *Plut. in Pomp.*

Aurum  
Argentum  
aerudo

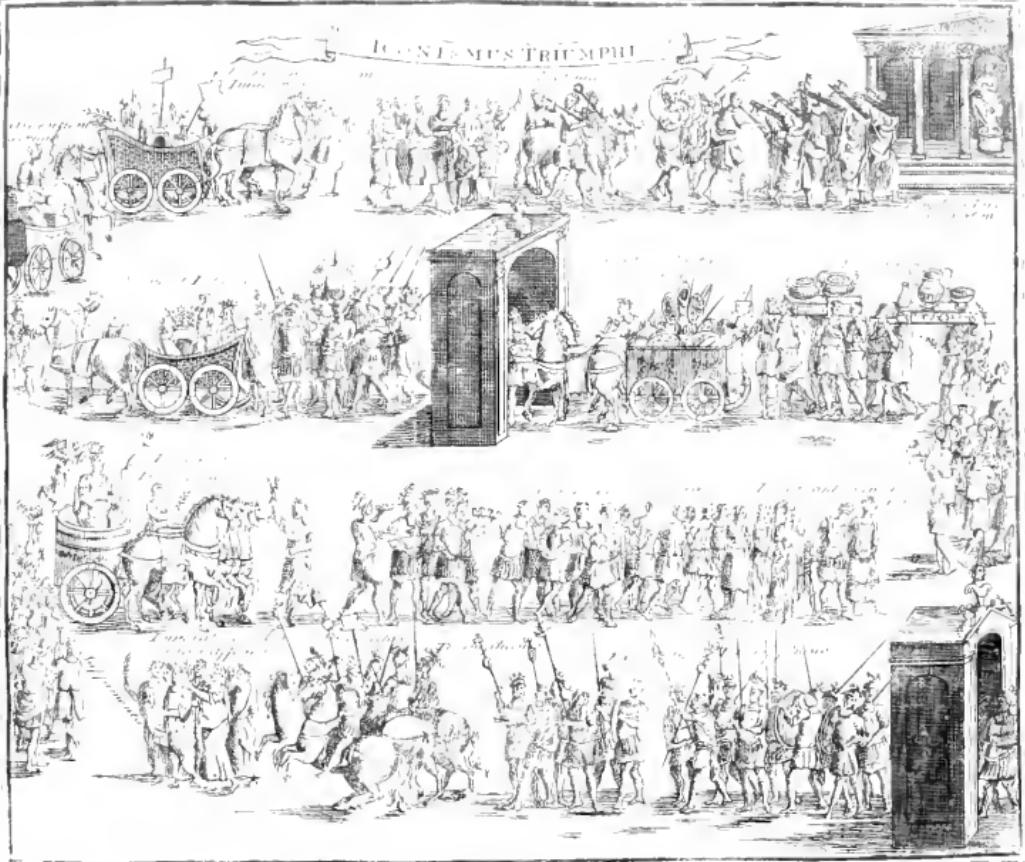


Sigmoet Tabulae



Imperator  
Triumphantis





A regular Account of the Proceedings, at one of these Solemnities, will give us a better Knowledge of the Matter, than a larger Disquisition about the several Parts and Appendages, that belonged to it. And this the excellent *Plutarch* has favoured us with, in his Description of *Paulus Æmilius's* Triumph after the taking King *Perseus* Prisoner, and putting a final Period to the *Macedonian* Empire. This must be owned to be the most glorious Occasion imaginable; and therefore we may expect the most compleat Relation that can possibly be desired. The Ceremony then of *Æmilius's* Triumph was performed after this Manner :

“ The People erected Scaffolds in the *Forum* and *Circo's*,  
“ and all other Parts of the City where they could best be-  
“ hold the Pomp. The Spectators were clad in white Gar-  
“ ments; all the Temples were open and full of Garlands  
“ and Perfumes; the Ways cleared and cleansed by a great  
“ many Officers and Tipstaffs, that drove away such as  
“ thronged the Passage, or straggled up and down. This  
“ Triumph lasted three Days: On the first, which was  
“ scarce long enough for the Sight, were to be seen Statues,  
“ Pictures and Images of an extraordinary Bigness, which  
“ were taken from the Enemy, drawn upon seven hundred  
“ and fifty Chariots. On the second was carried, in a great  
“ many Waggons, the fairest and the richest Armour of the  
“ *Macedonians*, both of Brads and Steel, all newly furbished  
“ and glittering; which, although piled up with the greatest  
“ Art and Order, yet seemed to be tumbled on Heaps care-  
“ lessly and by chance: Helmets were thrown on Shields,  
“ Coats of Mail, upon Greaves, *Grecian* Targets, and *Tbra-*  
“ *cian* Bucklers and Quivers of Arrows lay huddled among  
“ the Horses Bitts; and through these appeared the Points  
“ of naked Swords, intermixed with long Spears. All these  
“ Arms were tied together with such a just Liberty, that  
“ they knocked against one another as they were drawn  
“ along, and made a harsh and terrible Noise; so that the  
“ very Spoils of the conquered could not be beheld without  
“ Dread. After these Waggons loaden with Armour, there  
“ followed three thousand Men, who carried the Silver that  
“ was coined, in seven hundred and fifty Vessels, each of  
“ which weighed three Talents, and was carried by four  
“ Men. Others brought Silver Bowls, Goblets, and Cups,  
“ all disposed in such Order as to make the best Show;  
“ and all valuable, as well for their Bigness, as the Thick-  
“ nes of their engraved Work. On the third Day, early  
“ in

“ in the Morning, first came the Trumpeters, who did  
“ not sound as they were wont in a Procession or solemn  
“ Entry, but such a Charge as the *Romans* use when  
“ they encourage their Soldiers to fight. Next followed  
“ young Men with Girdles curiously wrought, who led  
“ to the Sacrifice one hundred and twenty stalled Oxen,  
“ with their Horns gilded, and their Heads adorned with  
“ Ribbands and Garlands ; and with these were Boys that  
“ carried Plates of Silver and Gold. After this was brought  
“ the Gold Coin, which was divided into Vessels that  
“ weighed three Talents, like to those that contained the  
“ Silver ; they were in Number fourscore wanting three.  
“ These were followed by those that brought the consecrat-  
“ ed Bowl, which *Æmilius* caused to be made, that weigh-  
“ ed ten Talents, and was all beset with precious Stones :  
“ Then were exposed to View the Cups of *Antigonus* and  
“ *Seleucus*, and such as were made after the Fashion in-  
“ vented by *Thericles*, and all the Gold Plate that was used  
“ at *Perseus*’s Table. Next to these came *Perseus*’s Cha-  
“ riot, in which his Armour was placed, and on that his  
“ Diadem : And, after a little Intermision, the King’s Chil-  
“ dren were led Captives, and with them a Train of Nurses,  
“ Masters, and Governors, who all wept, and stretched  
“ forth their Hands to the Spectators, and taught the lit-  
“ tle Infants to beg and intreat their Compassion. These  
“ were two Sons and a Daughter, who, by Reason of their  
“ tender Age, were altogether insensible of the Greatness  
“ of their Misery ; which Insensibility of their Condition  
“ rendered it much more deplorable ; insomuch that *Per-*  
“ *seus* himself was scarce regarded as he went along, whilst  
“ Pity had fixed the Eyes of the *Romans* upon the Infants,  
“ and many of them could not forbear Tears : All beheld  
“ the Sight with a Mixture of Sorrow and Joy, until the  
“ Children were past. After his Children and their At-  
“ tendants, came *Perseus* himself, clad all in Black, and  
“ wearing Slippers, after the Fashion of his Country : He  
“ looked like one altogether astonished and deprived of Rea-  
“ son, through the Greatness of his Misfortunes. Next fol-  
“ lowed a great Company of his Friends and Familiars,  
“ whose Countenances were disfigured with Grief, and who  
“ testified to all that beheld them by their Tears, and  
“ their continual looking upon *Perseus*, that it was his hard  
“ Fortune they so much lamented, and that they were re-  
“ gardless of their own. —— After these were carried four  
“ hundred Crowns, made of Gold, and sent from the Citi-

" by their respective Ambassadors to *Aemilius*, as a Reward  
 " due to his Valour. Then he came seated] on a Chariot  
 " magnificently adorned (a Man worthy to be beheld, even  
 " without these Ensigns of Power :) He was clad in a Gar-  
 " ment of Purple interwoven with Gold, and held out a  
 " Laurel-Branch in his right Hand. All the Army in like  
 " Manner, with Boughs of Laurel in their Hands, and di-  
 " vided into Bands and Companies, followed the Chariot  
 " of their Commander; some singing Odes (according to  
 " the usual Custom,) with a Mixture of Raillery; others,  
 " Songs of Triumph, and the Praises of *Aemilius*, who was  
 " admired and accounted happy by all Men, yet unenvied  
 " by every one that was good."

There was one remarkable Addition to this Solemnity, which, though it seldom happened, yet deserves Notice: This was when the *Roman General* had, in any Engagement, killed the chief Commander of the Enemy with his own Hands: The Arms of the slain General were carried before the Victor, fixed on the Trunk of an Oak, and so composing a Trophy. In this Manner the Procession went on to the Temple of *Jupiter Feretrius* (so called *a feriendo*); and the General making a formal Dedication of this Trophy (called *Spolia opima*), hung them up in the Temple. The first, who performed this gallant Piece of Religion, was *Romulus*, when he had killed *Acron*, King of the *Cœninen-ses*; the second *Cornelius Cossus*, with the Arms of *Tolumnius*, a General of the *Veientes*; the third and last *M. Marcellus*, with the Arms of *Viridomarus*, King of the *Gauls*; whence *Virgil* says of him, *Aen.* vi. line 859.

*Tertiaque arma patri suspendet apta Quirino.*

Where *Quirino* must be understood only as an Epithet applied to *Jupiter*, as denoting his Authority and Power in War; as the same Word is attributed to *Janus*, by *Horace* and *Suetonius*. Therefore *Servius* is most certainly mistaken, when he tells us, that the first Spoils of this Nature, were, according to *Numa's Laws*, to be presented to *Jupiter*; the second to *Mars*; and the third to *Quirinus*, or *Romulus*; for that Decree of *Numa* only took Place, if the same Person had the good Fortune to take these Spoils three Times; but we are assured, that not only *Romulus*, but *Cæsus* and *Marcelius* too all made the Dedication to *Jupiter*.

The Admirers of *Roman Magnificence* will be infinitely pleased with the Relation already given from *Plutarch* of the triumphal Pomp: While others, who fancy that People to have been possessed with a strange Measure of Vain-glory, and attribute all their military State and Grandeur to Ostentation, will be much better satisfied with the satirical Account which *Juvenal* furnishes us with in his Tenth Satyr. He is saying, that *Democritus* found Subject enough for a continual Fit of Laughter, in Places where there was no such formal Pageantry, as is commonly to be seen in *Rome*: And then he goes on: ver. 36.

*Quid, si vidisset Prætorem curribus altis  
Exstantem, & medio sublimem in pulvere Circi  
In tunica Jovis, & piætæ Sarrana ferentem  
Ex humeris aulea togæ, magnæque corone  
Tantum orbem, quanto cervix non sufficit ulla?  
Quippe tenet sudans banc publicus; & sibi Consul  
Ne placeat, curru servus portatur eodem.  
Da nunc & volucrem, Sceptro quæ surgit eburno,  
Illinc cornicines, hinc præcedentia longi  
Agminis officia, & niveos ad fræna Quirites,  
Desossa in loculis, quos sportula fecit amicos.*

What had he done, had he beheld on high  
Our *Consul* seated in mock-Majesty;  
His Chariot rowling o'er the dusty Place;  
While with dumb Pride, and a set formal Face,  
He moves in the dull ceremonial Track,  
With *Jove's* embroider'd Coat upon his Back?  
A Suit of Hangings had not more opprest  
His Shoulders, than that long laborious Vest.  
A heavy Gewgaw (call'd a Crown) that spread  
About his Temples, drown'd his narrow Head;  
And wou'd have crush'd it with the massy Freight,  
But that a sweating Slave sustain'd the Weight;  
A Slave in the same Chariot seen to ride,  
To mortify the mighty Madman's Pride.  
And now th' Imperial Eagle rais'd on high  
With golden Beak, (the Mark of Majesty,)  
Trum:pets Before, and on the Left and Right  
A Cavalcade of Nobles all in white:  
In their own Natures false and flattering Tribes;  
But made his Friends by Places and by Bribes.

## C H A P. XVII.

*The ROMAN Method of declaring War, and forming Alliances.*

THE Romans used Abundance of Superstition in entering upon any hostile Measure, or engaging in any Alliance, or Confederacy: The public Ministers, who performed the ceremonial Part of both these, were the *Feciales*, or Heralds, already described among the Priests; the Ceremonies themselves, were of this Nature. When any neighbouring State had given sufficient Reason for the *Senate* to suspect a Design of breaking with them; or had offered any Violence or Injustice to the Subjects of *Rome*, which was enough to raise Suspicions of their Fidelity; one of the *Feciales*, chosen out of the College on this Occasion, and habited in the Vest belonging to his Order, together with his other Ensigns and Habiliments, set out for the Enemy's Country. As soon as he arrived at the Confines, he pronounced a formal Declaration of the Cause of his Arrival, calling all the Gods to witness, and imprecating the Divine Vengeance on himself and his Country, if his Reasons were not just. When he came to the chief City of the Enemy, he again repeated the same Declaration, with some Addition, and desired Satisfaction. If they delivered into his Power the Authors of the Injury, or gave Hostages, he returned to *Rome*; if otherwise they desired Time to consider, he went away for ten Days, and then came again to hear their Resolution. And this he did, in some Cases, three Times: But if nothing was done toward an Accommodation in about thirty Days, he declared that the *Romans* would endeavour to assert their Right by Arms. After this, the Herald was obliged to return, and to make a true Report of his Embassy before the *Senate*, assuring them of the Legality of the War, which was under Deliberation; and was again dispatched to perform the last Part of the Ceremony, which was to throw a Spear into (or towards) the Enemy's Country, as a Declaration of War, pronouncing at the same Time a set Form of Words to that Purpose.

As to making Alliances, *Polybius* acquaints us, That the Ratification of the Articles of an Agreement, between the *Romans* and the *Carthaginians*, was performed in this

Manner : The *Carthaginians* swore by the Gods of their Country ; and the *Romans*, after their antient Custom, swore by a *Stone*, and then by *Mars*. They swore by a *Stone* thus : The Herald who took the Oath, having sworn in Behalf of the Public, took up a *Stone*, and then pronounced these Words :

“ If I keep my Faith, may the Gods vouchsafe their Assistance, and give me Success ; if, on the contrary, I violate it, then may the other Party be entirely safe, and preserved in their Country, in their Laws, in their Possessions, and, in a Word, in all their Rights and Liberties ; and may I alone perish and fall, as now this Stone does : ” And then he lets the *Stone* fall out of his Hands (*a*).

*Livy's* Account of this Ceremony, which is something more particular, differs but little in Substance, he says the Herald's concluding Clause was, *Otherwise may Jove strike the Roman People, as I do this Hog* ; and accordingly he killed an *Hog* that stood ready by, with the *Stone* which he held in his Hand. This last Opinion is confirmed by the Authority of *Virgil*, when, speaking of the *Romans* and *Albans*, he says, *Æn.* viii. ver. 641.

— — — *Et cæsa jungabant fædera Poreæ.*

And perhaps both these Customs might be in Use in different Periods.

(*a*) *Polyb.* lib. 3.

## C H A P. XVIII.

*The Roman Method of treating the People they conquered; with the Constitution of the Coloniæ, Municipia, Præfecturæ, and Provinces.*

THE extraordinary Favour with which the *Romans* treated the conquered Nations, has been with Justice esteemed one of the principal Causes of the Extent of their Dominions, and Establishment of their Command: Yet, when they judged it necessary, they practised several severe Methods, such as seizing on the greatest Part of the Enemy's Land, or removing the Natives to another Spot. If a State or People were unavoidably constrained to surrender themselves to the *Roman* Power, they used *sub jugum mitti*, to be made to pass under a Yoke, as an Acknowledgment of Subjection: For this Purpose they set up two Spears, and laying a third across at the Top, ordered those who had surrendered, to pass under them without Arms or Belts. Those who refused to surrender were compelled by Force, and underwent several Penalties, and frequently (*sub corona venibant*) were publicly sold for Slaves. By *Corona* was understood a Sort of Chaplets, which they bound about the *Captives* Head for Distinction; others would have it to signify the Ring of *Roman* Soldiers, who inclosed the *Captives* when they were exposed to Sale. *A. Gellius* prefers the former Reason (a).

The several Forms of Government, which the *Romans* established in their Conquests, are necessary to be known, and but seldom rightly understood: We shall point out these four: *Colonies*, *Municipia*, *Præfecturæ*, and *Provinces*.

*Colonies* (properly speaking) were Communities, the chief Part of whose Inhabitants had been removed from *Rome*: And though interspersed amongst the Natives who had remained in the conquered Countries; they obtained the Power and Authority in the Administration of Affairs. One great Advantage of this Institution was, that by this Means the veteran Soldiers, who had served out their legal Time, and had spent their Vigour in Defence of their Country, might be honourably rewarded,

(a) *Lib. 7. cap. 4.*

by forming them into Colonies, and sending them where they might enjoy large Possessions, and spend the Remainder of their Days in Ease and Tranquillity.

*Municipia*, were commonly Corporations, or infranchised Places, where the Natives were allowed the Use of their old Laws and Constitutions, and at the same Time honoured with the Privilege of *Roman Citizens*. But this Privilege, in some of the *Municipia*, extended no farther than the set Title, without the Privileges of Citizens, as voting in the Assemblies, and bearing Offices in the City. The first honoured them with the Name of *Cives Romani*, the other with only of *Romani*; as *P. Manutius* with his usual Exactness has distinguished (a). Of this latter Sort, the first Example was the *Cærites*, a People of *Tuscany*, who preserving the sacred Relics of the *Romans*, when the *Gauls* had taken the City, were afterwards dignified with the Name of *Roman Citizens*; but not admitted into any Part of the public Administration. Hence the *Censors* Tables, where they entered the Names of Persons, who, for some Misdemeanor, lost their Right of Suffrage, had the Name of *Cærites Tabulae* given them (b).

The *Præfecturæ* were certain Towns in *Italy*, whose Inhabitants had the Name of *Roman Citizens*; but were neither governed by their own Laws or Magistrates, by annual *Præfetti* sent from *Rome*. These were generally such Places as were either suspected, or had actually incurred the Displeasure of the *Roman State*; this being accounted the hardest Condition that was imposed on any People of *Italy* (c).

The Differences between the proper *Citizens of Rome*, and the Inhabitants of *Municipia*, *Colonies*, and *Præfecturæ*, may be thus briefly stated: The first and highest Order were registered in the *Census*, had the Right of Suffrage and of bearing Honours, were assessed in the Poll-tax, served in the Legions, used the *Roman Laws* and Religion, and were called *Quirites* and *Populus Romanus*. The *Municipes* were allowed the four first of these Marks, and were denied the four last. The *Coloni* were in these three Respects like the privileged *Citizens*, that used the *Roman Laws* and Religion, and served in the Legions; but they were not allowed the other five Conditions. The People in the *Præfecturæ* were such as submitted to the most restrained

(a) *De Civitat. Rom.* p. 29.      (b) *A. Gell. lib. 16. cap. 13.*

*Lexicon. Juridic. in voce.*

(c) *Calv. State;*

State; who though obedient to the *Roman Laws*, yet did not enjoy the Privilege of Citizens (a).

All other Cities and States in *Italy*, which were neither *Colonies*, *Municipia*, nor *Præfecturæ*, had the Name of *Fœderatæ Civitates*, enjoying their own Customs, and Forms of Government, without the least Alteration, and only joined in Alliance with the *Romans*, upon such Terms as had been agreed upon (b).

The *Provinces* were distant Countries of larger Extent, which, upon their Reduction under the *Roman Power*, were new modelled according to the Pleasure of the Conquerors, and subjected to the Command of annual Governors sent from *Rome*, who commonly levied such Taxes and Contributions as the Senate thought fit to demand. But as the several Towns and Communities in every Country did not behave themselves in the same Manner to the *Romans*; some professing more Friendship, and a Desire of Union and Friendship; while others were more obstinate and refractory; therefore to reward those People who deserved well at their Hands, they indulged them with the Use of their own Constitutions in many Respects, and sometimes excused them from paying Tribute; whence they were called *Immunes*, in Opposition to the *Vetigales*.

The Tribute exacted from the Provinces, was of two Sorts, either certain or uncertain. The certain Tribute, or *Stipendium*, was either a fixed Sum of Money to be collected by the Provincial *Quæstor*, whom they called *Pecunia ordinaria*; or a Subsidy raised for particular Occasions, such as maintaining Soldiers, fitting out and paying a Number of Vessels, and the like, termed *Pecunia extraordinaria*.

The uncertain Tribute consisted of what they called, *Portorium*, *Scriptura*, and *Decuma*. The *Portorium* was a Duty laid upon all Goods and Wares imported and exported.

The *Scriptura* was a Tax laid upon Pastures and Cattle.

The *Decuma* was the Quantity of Corn which the Farmers were obliged to pay to the *Roman State*, commonly the tenth Part of their Crop. But besides this, which was properly termed *Frumentum Decumanum*, and which was farmed by the Publicans, hence called *Decumani*, there was the *Frumentum emptum*, and the *Frumentum afflatum*, both taken up in the Provinces. The *Frumentum emptum* was

(a) *Vid. P. Manut. de Civ. Rom. p. 30.* (b) *Ibid.*

of two Sorts, either *decumanum*, or *imperatum*; the former was another Tenth, paid in Consideration of such a Sum as the Senate had determined should be the Price of it, who rated it so much a Bushel at their Pleasure. The *Frumentum imperatum* was a Quantity of Corn equally exacted of the Provincial Farmers after the two Tents, at such a Price as the chief Magistrate pleased to give. *Frumentum æstimatum*, was a Corn-Tax required by the chief Magistrate of the Province, for his private Use, and the Occasions of his Family. This was commonly compounded for Money, and, on that Account, took its Name *ab æstimando*, from rating it at such a Sum.

Besides all these *Sigonius* mentions *Frumentum honorarium*, upon the Authority of *Cicero*, in his Oration against *Piso*: But perhaps *Cicero*, in that Place, does not restrain the *Honorarium* to Corn, but may mean, in general, the Present usually made to Provincial Governors, soon after their Entrance on Office.

After *Augustus* had made a Division of the Provinces between himself and the People, the annual Taxes, paid by the Provinces under the Emperor, were called *Stipendia*; and those that were gathered in the People's Provinces *Tributa* (a).

(a) *Calvin, Lexicon Jurid. in Tributa.*

## C H A P. XIX.

*The Roman Method of taking Towns; with the most remarkable Inventions and Engines made use of in their Sieges.*

**B**EFORE we enquire into this Subject, a very memorable Custom presents itself to our Notice, which was practised almost as soon as the *Roman Army* invested any Town; and that was the *evocatio Deorum tutclarium*, or soliciting the Departure of the Guardian Deities: The Reason of which seems to have been, that they thought it impossible to force any Place, while under their Protection; or else, that they accounted it a most heinous Impiety, to act in an hostile Manner against the Persons of the Gods. This Custom is described at large by *Macrobius* in his *Saturnalia*, lib. 3. cap. 9.

The *Romans* were seldom desirous of attempting any Town by Way of Siege, judging it would not answer the Expence and other Difficulties of that Manner; so that this was generally their last Resource; and in all their great Wars, there are very few Examples of any long Sieges. The Means, by which they possessed themselves of any important Place, were commonly either by Storm, or immediate Surrendry. If they took a Town by Storm, it was either by Assault, or Stratagem. In the former Case, they made their Attacks without battering the Wall, and were only said *agredi urbem cum corona*, to surround a Town; as they led their Army round its Walls, and attacked it on all Quarters at once. If this proved ineffectual, they battered the Walls with their Rams and other Engines. Sometimes, they mined and entered the Town under-ground: Sometimes, that they might engage the Enemy upon equal Terms, they built wooden Towers, or raised Mounts to the Height of the Walls, from whence they might command the Enemy within their Works. The Besieged were in most Danger upon a general Assault; as their Walls were to be every where defended at once; and it often happened that there were not Men sufficient to supply and relieve all the Posts; and if the contrary was their Situation, yet all perhaps were not of equal Courage; and if any gave Way, the

the whole Town was in Danger of being lost : So that the *Romans* oftentimes carried very considerable Places at one Effort. But if they battered the Walls with Engines, they were under some Disadvantage, their Quarters being of Necessity to be extended, so that they must be thinner and weaker in some Places than in others, and unable to make stout Opposition against any considerable Sally. Besides, the besieged were not at a Loss to defeat their Stratagems ; and eluded the Force of their Mines by countermining, or by disturbing them in their Works ; particularly by putting Oil and Feathers, &c. into Barrels of Wood ; then setting them on Fire, they tumbled them among the *Romans*, that the Stench might force them to quit their Stations. Their Towers of Wood, their Rams and other Engines, they commonly set on Fire ; the Mounts they used to undermine until they fell for Want of Foundation.

Upon this Account the *Romans* (as was before observed,) much preferred the Attack by Assault ; and if not carried in a little Time, they frequently raised the Siege, and prosecuted the War by other Means. As *Scipio*, in his *African Expedition*, having assaulted *Utica* without Success, changed his Resolution, drew off his Men and endeavoured as much as possible to bring the *Carthaginian Army* to an Engagement. And therefore, though sometimes they continued a tedious Siege, as at *Veii*, *Carthage*, and *Jerusalem*, yet generally they were much more desirous of drawing the Enemy to a Battle ; for by defeating an Army, they frequently gained a Kingdom in a Day ; whereas the Difficulties of a Siege, has sometimes cost them several Years.

*See Machiavel's Art of WAR, Book II.*

The Inventions and Engines, which the *Romans* made use of in their Sieges, were very numerous, the Knowledge of which is but of little Use at this Day : However, it is necessary we should have some Acquaintance with the most considerable, as they are frequently mentioned by *Cæsar* and other Historians : These are the *Turres mobiles*, the *Testudines*, the *Musculus*, the *Vineæ*, and the *Plutei* ; together with the *Aries*, the *Balista*, the *Catapulta*, and the *Scorpio*.

The *Turres mobiles*, or moveable Turrets, were of two Sorts, the lesser and the greater : The lesser Sort were about sixty Cubits high, and the square Sides seventeen Cubits broad ; they had five or six, and sometimes ten Stories or Divisions, every Division being made open on all Sides. The greater Turret was a hundred and twenty Cubits high, and twenty three Cubits square ; containing sometimes fifteen, sometimes twenty Divisions. They were of very great Use in making Approaches, the Divisions being able to carry Soldiers with Engines, Ladders, Casting-bridges, and other Necessaries. The Wheels, on which they were, were contrived to be within the Planks, to defend them from the Enemy ; and the Men who were to drive them forward stood behind, where they were most secure ; the Soldiers in the Inside were protected by raw Hides, which were thrown over the Turret, in such Places as were most exposed.

The *Testudo* was properly a Figure which the Soldiers cast themselves into ; so that their Targets should close all together above their Heads, and defend them from the missive Weapons of the Enemy ; as if we suppose the first Rank to have stood upright on their Feet, and the rest to have stooped lower and lower by Degrees, till the last Rank kneeled ; so that every Rank covering with their Targets the Heads of all in the Rark before them, they represented a Tortoise-shell or a Sort of Pent-house. This was used as well in Field-battles as in Sieges. But besides this, the Romans called in general all their covered defensive Engines, *Testudines*: Among which, those which most properly obtained the Name, seem to have been almost of an oval Figure, composed of Boards, and worked up at the Sides with Wickers ; covering the Soldiers Approach to the Walls ; they sometimes run upon Wheels, which distinguished them from the *Vineæ*, with which they are sometimes confounded.

The *Musculus* is supposed to have been much of the same Nature as the *Testudines* ; but of a smaller Size, and composed of stronger Materials, being expos'd a much longer Time to the Force of the Enemy ; for in these *Musculi* the Pioneers were sent to the very Walls, where they were to continue, while with their *Dolabrae*, or Pick-axes, and other Instruments, they endeavoured to undermine the Foundations. *Cæsar* has described the *Musculus* at large in his second Book of the Civil Wars.

The *Vineæ* were composed of Wicker Hurdles laid for a Roof on the Top of Posts, which the Soldiers, who went under it for Shelter, bore up with their Hands. Some will have them to have been contrived with a double Roof; the first and lower Roof of Planks, and the upper Roof of Hurdles, to break the Force of any Blow without disordering the Machine.

The *Plutei* consisted of the same Materials as the former, but were of a much different Figure, being shaped like an arched Sort of Waggon; and having three Wheels, so conveniently placed, that the Machine would move either Way with equal Ease. They were put much to the same Use as the *Musculi*.

The Engines hitherto taken notice of were intended for the Defence of the Soldiers; the Offensive are yet to be described. Of these the most celebrated, and which only deserves a particular Description, was the *Aries* or Ram: This was of two Sorts, the one Rude and Plain, the other Artificial and Compound. The former seems to have been no more than a great Beam which the Soldiers bore on their Arms and Shoulders, and with one End of it by main Force battered the Wall. The compound Ram is thus described by *Josephus*: “The Ram (says he) is a very long Beam, like the Mast of a Ship, strengthened at one End with a Head of Iron, something resembling that of a Ram, whence it took its Name. This is hung by the Midst with Ropes to another Beam, which lies cross a couple of Posts; and hanging thus equally balanced, it is by a great Number of Men violently thrust forward, and drawn backward, and so shakes the Wall with its Iron Head. Nor is there any Tower or Wall so thick or strong, that, after the first Assault of the Ram, can afterwards resist its Force in the repeated Assaults (a)”.

*Plutarch* informs us that *Mark Antony*, in the *Parthian War*, made use of a Ram fourscore Feet long: And *Vitruvius* tells us, that they were sometimes a hundred and six, sometimes a hundred and twenty Feet in Length; and to this the Force and Strength of the Engine was in a great Measure owing. The Ram was managed at one Time by a whole Century or Order of Soldiers; and they, being spent, were relieved by another Century; so that it played without any Intermission, being usually covered with a *Vinea*, to protect it from the Attempts of the Enemy.

As for the lesser Engines, which were used, and are not so particularly mentioned in Authors, a mechanical Description of them would be no less tedious than useless. Only it may in short be observed, that the *Balista* was always employed in throwing great Stones, the *Catapulta* in casting the larger Sort of Darts and Spears, and the *Scorpio* in throwing the lesser Darts and Arrows.

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## C H A P. XX.

### *The Naval Affairs of the Romans.*

THE Romans, though their City was seated very conveniently for maritime Affairs, not being above fifteen Miles distant from the *Tyrrhenian* Sea; and having the River *Tyber* running through it, capable of receiving the smaller Vessels; yet wholly neglected all naval Concerns for many Years after the Building of *Rome*. And some are willing to assign this as one of the main Causes which preserved that State so long in its primitive Innocence and Integrity, free from all those Corruptions which an Intercourse with Foreigners might probably have introduced. However *Dionysius* assures us, that *Ancus Martius* built *Ostia* at the Mouth of the *Tyber* for a Port, that the City might by this Means be supplied with the Commodities of the neighbouring Nations (a). And it appears from the Reasons of the *Tarentine* War agreed upon by all Historians, that the *Romans* in that Age had a Fleet at Sea. Yet *Polybius* expressly maintains, that the first Time they ever ventured to Sea was in the first *Punic* War (b); but he must either mean this only of Ships of War, or else contradict himself: For in another Part of his Works, giving us a Transcript of some Articles agreed on between the *Romans* and the *Carthaginians* in the Consulship of *M. Brutus* and *Horatius*, soon after the Expulsion of the Royal Family; one of the Articles is, that the *Romans*, and the Allies of the *Romans*, shall not navigate beyond the Fair Promontory, unless driven by the violence of the Weather, or Force of an Enemy, &c. And after this in two other Treaties, which he has preserved, there are several Clauses to the same Purpose (c). But however these

(a) *Dionys. Halic.* lib. 3, (b) Lib. 1. (c) *Polyb.* lib. 3.

Matters

Matters may be adjusted, we are assured, that about the Year of the City 492 (a), the *Romans* observing that the Coast of *Italy* lay exposed to the Depredations of the *Carthaginian* Fleet, which often made Descents upon them, and considering withal that the War was likely to last, they determined to make themselves a maritime Power. So wonderful was the Bravery and Resolution of that People in Enterprises of the greatest Hazard and Moment, that having hitherto scarce dreamed of Navigation, they should, at once, resolve on so arduous an Expedition, and make the first Proof of their Skill in a Naval Engagement with the *Carthaginians*, who had held the Dominion of the Sea uncontestedly derived to them from their Ancestors. Nay, so utterly ignorant were the *Romans* in the Art of Ship-building, that it would have been almost impossible for them to have put their Design in Execution, had not Accident given them an unexpected Opportunity. For a *Carthaginian* Galley, which was on a Cruise, venturing too near the Shore chanced to be stranded and before she could be got off, the *Romans* took her, and by the Model of this Galley, they built their first Fleet. Their Way of instructing their Seamen in the Use of the Oar is no less remarkable: They caused Banks to be contrived on the Shore in the same Order as they were to be in their Gallies, and placing their Men with their Oars upon the Banks, there exercised them: An Officer, for that Purpose, being seated in the Midst, who by Signs with his Hand instructed them to dip their Oars all together, and in like Manner to recover them out of the Water: And by this Means they became acquainted with their Management. But in a little Time finding their Vessels were not built with extraordinary Art, and consequently proved somewhat unwieldy in working, it came into their Heads to recompense this Defect, by contriving some new Invention, which might be of Use to them when engaged. And then it was that they designed the famous Machine called the *Corvus*; which was framed after this Manner: They erected on the Prow of their Vessels a round Piece of Timber, of about a Foot and a half Diameter, and about twelve Feet long; on the Top whereof, they had a Block or Pulley. Round this Piece of Timber, they laid a Stage or Platform of Boards, four Feet broad, and about eighteen long, which was well framed, and secured with Iron. The En-

(a) *Casaub:z. Chronolog. ad Pol. b.*

trance was long-ways, and it moved about the aforesaid upright Piece of Timber, as on a Spindle, and could be hoisted up within six Feet of the Top: About this was a Sort of a Parapet, Knee high, which was defended with upright Bars of Iron, sharpened at the End; towards the Top there was a Ring, in which a Rope was fastened, this by the Help of a Pulley, they hoisted or lowered at Pleasure; and so boarded the Enemy's Vessels, sometimes on their Bow, and sometimes on their broad Side, as Circumstances required. When they had grappled the Enemy with those Iron Spikes, if they happened to swing Broad-side to Broad-side, then they entered from all Parts; but in Case they attacked them on the Bow, they entered two and two by the Help of this Machine, the foremost defending the fore-part, and those that followed the Flanks, keeping the Boss of their Bucklers level with the Top of the Parapet.

To this Purpose *Polybius* (according to the late most excellent Version,) gives us an Account of the first warlike Preparations which the *Romans* made by Sea. We may add, in short, the Order, which they observed in drawing up their Fleet for Battle, taken from the same Author. The two Consuls were in the two Admiral Galleys, in the Front of their two distinct Squadrons, each of them just a-head of their own Division, and a-breast of each other; the first Fleet being posted on the Right, the second on the Left, making two long Files or Lines of Battle. And, whereas it was necessary to give a due Space between each Galley, to ply their Oars, and keep clear one of another, and to have their Heads or Prows looking somewhat outwards; this Manner of drawing up did therefore naturally form an Angle, the Point whereof was at the two Admiral Gallies, which were near together; and as their two Lines were prolonged, so the Distance grew consequently wider towards the Rear. But as the Naval as well as the Land Army consisted of four Legions, and accordingly the Ships made four Divisions; two of these were yet behind. Of which the third Legion, formed a Line in the Rear of the first and second, and so extending from Point to Point composed a Triangle, whereof the third Line was the Base. Their Vessels of Burden, that carried their Horses and Baggage, were in the Rear of these; and were, by the Help of small Boats provided for that Purpose, towed or drawn after them. In the Rear of all was the fourth Fleet, called the *Triarians*, drawn up likewise in a Line, parallel to the third: But these

were

were more extended, by which Means the Extremities extended beyond the two Angles at the Base. The several Divisions of the Fleet, being thus disposed, formed, as it is said, a Triangle; the Area within was an empty Space, but the Base was thick and solid, and the whole Body quick, active, and very difficult to be broken.

Of the variety of Vessels they used we most commonly meet with three Kinds; Ships of War, Ships of Burden, and Ships of Passage: The first for the most Part rowed with Oars; the second used Sails; and the last often were towed. Ships of Passage were either for the Transportation of Men, such as the *τριηταλευται* or *επανωτιδες*; or of Horses, as the *Hippagines*. The Ships of Burden, which the Roman Authors call *Naves onerariae*, and the Grecian *φορτικαι*, and *ιππαδες*, (whence the Name of our *Hulks* may probably be derived), served for the Conveyance of Provisions, and sometimes for the Use of the Soldiers, as we find in *Cesar*. Of the Ships of War, the most considerable were the *Naves longae*, or Gallies, so named from their Form, which was the most convenient to tack about, or to cut their Way; whereas the Ships of Burden were generally built rounder and more swelling Sides, that they might be the more readily loaded, and carry the greater Burthen. The most remarkable of the *Naves longae* were the *Triremis*, the *Quadriremis*, and the *Quinqueremis*. *Τριήγενης*, *Τετρήγενης*, and *Πεντήγενης*; exceeding one another by one Bank of Oars; these Banks were raised one above another; and consequently those which had the greater Number of Banks were built the highest, and rowed with the greatest Strength. Some indeed conceive a different Original of these Names; as that in the *Triremes*, for Example, were either three Banks one after the other on a Level, or that three Rowers sat upon one Bank; or else that three Men pulled all together at one Oar: But this is contrary, not only to the Authority of the Classics, but to the Figures of the *Triremes* still appearing in ancient Monuments. Besides these, there were two other Rates, one higher, and the other lower. The higher Rates we meet with are the *Hexeres*, the *Hepteres*, the *Octeres*, and so on to the *εκκαιδεκῆς*; nay, *Polybius* relates, that *Philip of Macedon*, Father to *Perseus*, had an *εκκαιδεκῆς* (*a*); which *Livy* states, *navis quam sexdecim versus remorum agebant* (*b*), a Ship with sixteen Banks: Yet this was much inferior to the Ship built by *Pisistrator*, which *Plutarch* tells us had forty Banks (*c*). The lower Rates were the *Biremis* and the *Mo-*

(*a*) *Polyb.* in Fragment. (*b*) Lib. 53. (*c*) *In Demetrio.*

*neres.*

*neres.* The *Bireme* in *Gecek διῆρες*, or διῆρες, consisted of two Banks of Oars: Of these, the fittest for Service, by Reason of their Lightness and Swiftness were called *Liburnicæ*, from the *Liburni*, a People in *Dalmatia*, who first invented them; for being *Corsairs*, they rowed up and down in these light Vessels, and maintained themselves by the Prizes they took (a). Yet in later Times, all the smaller and swift going Vessels, whether they had more or less than two Banks, were called in general *Liburnæ*, or *Liburnicæ*. Thus *Heraclæ* and *Propertius* call the Ships which *Augustus* made Use of in the naval Engagement at *Actium*: And *Florus* informs us, that his Fleet was made up of Vessels from three to six Banks (b). *Suetonius* mentions an extravagant Sort of *Liburnicæ* invented by the Emperor *Caligula*, adorned with Jewels in the Poop, with Sails of many Colours, and furnished with large Portico's, Bagnio's, and Dining-rooms; besides curious Rows of Vines and Fruit Trees of all Sorts (c).

The *Moneres*, mentioned by *Livy*, was a Galley, having but one single Bank of Oars, of which we find five different Sorts taken notice of by Authors; the εἰνεῖρες or *Actuaria*, the τετραράμος, the τετταρακούρτος, the πεντακόλος and the εκατόντος; of twenty, thirty, forty, fifty, and an hundred Oars.

It may be observed, that though these under Rates are supposed to have been built in the Form of the *Naves longæ*, yet they are not so generally honoured with that Name; and sometimes in Authors of Credit we find them directly opposed to the *Naves longæ*, and at other Times to the μάχαιρα, or Ships of War.

But the Ships of War occur under several different Denominations; as the *Tectæ*, *Constratae*, and *Apertæ*. The *Tectæ*, or κατάρρηπται, were so called, because they had κατάρρηπτα or Hatches; whereas the *Apertæ* or ἀργαλοὶ had none. The greater Ships, as the *Quadriremes* and upwards, seem always to have had Hatches; the *Triremes* and *Biremes* are sometimes described otherwise; and all below these were *Apertæ*. *Cicero* and other Authors sometimes use the Word *Aphractum* for a particular Sort of Ship; and *Polybius* κατάρρηπται, for a *Quingereme*. Besides these, we meet with the *Naves rostratae* and *Naves turritæ*: The first were such as had Beaks or *Rostra*, necessary to all Ships which were to engage in a Battle. The others were such as had Turrets erected on their Decks, from whence the Soldiers fought with all Manner of Weapons and Engines, as if it

(a) *Dacier* on *Heraclæ*. Epod. 1. (b) Lib. 4. cap. 11. (c) *Sueton.* in *Calig.* cap. 37.  
T had

had been on Land, and so engaged with the greatest Fury imaginable, as *Virgil* describes the Fight at *Aetium*.

— *Pelago credas innare revulsas  
Cycladas, aut montes concurrere montibus altos :  
Tanta mole viri turritis pupibus instant.* Aen. viii. 691.

The Officers in the Navy were, *Præfetus Classis*, or Admiral, and sometimes the *Duumviri*, when two were joined in Commission, the *Trierarchus*, or Captain of a particular Ship, most properly of the *Trireme*; the *Gubernator*, or Master; the *Celestes*, or Boatswain, and others of inferior Note.

Under the Emperors, Legions were established in most Parts of the *Roman* Dominions, who had constantly Fleets in those Seas, which lay convenient for the Defence of the neighbouring Countries. As *Augustus* kept one Navy at *Misenum* in the *Mare Inferum*, to protect and keep in Obedience *France*, *Spain*, *Mauritania*, *Egypt*, *Sardinia*, and *Sicily*: Another at *Ravenna* in the *Mare Superum*, to defend *Epirus*, *Macedon*, *Achaia*, *Crete*, *Cyprus*, with all *Asia*. Nor were their Navies only maintained on the Seas, but several too on the principal Rivers; as the *Germanica Classis* on the *Rhine*, the *Danubiana*, the *Euphratensis*, &c. to be met with in *Tacitus*, and other Historians.

[See Sir Henry Savil's *Dissertation at the End of his Translation of Tacitus.*]

To this Subject of the *Roman* Shipping, we may add a very remarkable Custom of such as had escaped a Wreck at Sea, which we find hinted at in almost every Place of the Poets, and often alluded to by other Authors; on which the great modern Critic delivers himself to this Purpose.

It was a Custom for those who had been saved from a Shipwreck, to have all the Circumstances of that Adventure represented on a Tablet. Some Persons made Use of this Tablet to move the Compassion of those they met, as they travelled up and down; and by their Charity to repair their Fortunes which had suffered so much at Sea. These *Juvenal* describes, Sat. xiv. 301.

— *Mersa rate Naufragus affem  
Dum rogat, & pieta se templa tuctur.*

His vessel sunk, the Wretch at some Lane's End  
 A painted Storm for Farthings does extend,  
 And lives upon the Picture of his Loss.

For this Purpose they hung the Tablet about their Necks,  
 Sung a Sort of Verses, expressing the Manner of their  
 Misfortunes; almost like the modern Pilgrims, *Persius*,  
 Sat. i. 88.

— *Cantet si Naufragus, affem  
 Protulerim? Cantas cum fracta te in trabe pictum  
 Ex humero portes?*

Say, should a shipwreck'd Sailor sing his Woe,  
 Wou'd I be mov'd to Pity; or bestow  
 An Alms? Is this your Season for a Song,  
 When your despairing Phiz you bear along  
 Daub'd on a Plank, and o'er your Shoulders hung? }

Others hung up their Tablet in the Temple of the particular Deity, to whom they had addressed themselves in their Exigence, and whose Assistance had, as they thought, effected their Safety. This they termed properly *votiva Tabella*. *Juvencal* endeavours to ridicule the *Roman* Superstition in this Point, when he informs us, that it was the Business of a whole Company of Painters to draw Pictures on these Accounts for the Temple of *Iris*.

— *Quam votiva testantur fana tabella  
 Plurima, pictores quis nescit ab Iris pasci?* xii. 27.

Such as in *Iris*' Dome may be survey'd,  
 On Votive Tablets to the Life pourtray'd,  
 Where Painters are employed and earn their Bread. }

But the Custom went much farther; for the Lawyers at the Bar used to have the Case of the Client expressed in a Picture, that by shewing his hard Fortune, and the Cruelty and Injustice of the adverse Party, they might move the

Compassion of the Judge. This *Quintilian* declares against in his sixth Book. Nor was this all; for such Persons as had recovered from any Fit of Sickness, used to dedicate a Picture to the Deity who they had supposed relieved them. And this gives Light to a Verse of *Tibullus*, *Lib. I. Eleg. 3.*

*Nunc Dea, nunc succurre mibi; nam posse mederi  
Picla docet Templis multa tabella tuis.*

Now Goddess, now thy tortur'd Suppliant heal;  
For Votive Paints attest thy sacred Skill.

Thus some Christians in antient Time (*a*), upon any signal Recovery of their Health, used to offer a Sort of Medal in Gold or Silver, on which they were represented, in Honour of the Saint whom they thought themselves obliged to for their Deliverance. And this Custom still prevails in Popish Countries (*b*).

(*a*) *Catub:z. in Perfum.* Sat. 1. v. 88.    (*b*) *Dacier on Herce.* lib. 1. Od. 4.



## PART II. BOOK V.



### *Miscellany Customs of the ROMANS.*



#### C H A P. I.

##### *Of the Private SPORTS and GAMES.*

**A** Great Part of the *Roman Pomp* and *Superstition* was employed in their Games and Shows, so that many of their Customs have a Dependance on these Solemnities. As to their private Sports and Diversions, it may be also necessary to take Notice of them, as many Passages and Allusions mentioned in History as well as by the Poets would otherwise be very difficult to understand.

The private Games, most worth our Attention, are the *Latrunculi*, the *Tali* and *Tesseræ*, the *Pila*, the *Par Impar*, and the *Trochus*.

The Game at *Latrunculi* seems to have been much the same as our *Chess*: The Original of it is generally referred to *Palamede's Invention* at the Siege of *Troy*; though *Seneca* attributes it to *Chilon*, one of the seven *Grecian Sages*; and some suppose that *Pyrrhus* King of *Epirus* contrived this Sport, to instruct his Soldiers, after an entertaining

Manner, in the military Art. However, it is certain, it is so happily expressive of the Chance and Order of War, that no Place can lay so just a Claim to the Invention as the Camp. Thus the ingenious *Vida* begins his Poem on this Subject.

*Ludimus effigiem belli, simulataque veris  
Prælia, buxo acies fletas, & ludicra regna :  
Ut gemini inter se reges, albusque, nigerque,  
Pro laude oppositi, certant bicoloribus armis.*

War's harmless Shape we sing, and Boxen Trains  
Of Youth, encount'ring on the Cedar Plains :  
How two tall Kings, by different Armour known,  
Traverse the Field, and combat for Renown.

The Chess-men, which the *Romans* used, were generally of Wax or Glafs ; their common Name was *Calculi*, or *Latrunculi* : The Poets sometime term them *Latrones*, whence *Latrunculus* was at first derived : For *Latro* among the Antients signified at first a Servant, (as the Word *Knave* in *English*,) and afterwards a Robber.

*Seneca* has mentioned this Play oftner, perhaps, than any other *Roman Author*; particularly in one Place, he has a very remarkable Story, in which he designs to give us an Example of wonderful Resolution and Contempt of Death ; though some will be more apt to interpret it as an Instance of Insensibility. The Story is this : *Canius Julius* (whom he extols very much on other Accounts) had been sentenced to Death by *Caligula* ; the Centurion coming by with a Number of Malefactors, and ordering him to bear them Company to Execution, happened to find him engaged at this Game. *Canius*, upon his first Summons, presently fell to counting his Men ; and bidding his Antagonist be sure not to boast of the Victory after his Death, he only desired the Centurion to bear witness, that he had one Man upon the Board more than his Companion ; and very readily joined the poor Wretches that were going to suffer (a).

But the most accurate Account of the *Latrunculi*, given us by the Antients, is to be met with in the Poem to *Piso* ; which some will have to be *Ovid's*, others *Lucan's*, and many the Work of an unknown Author.

(a) *Seneca de Tranquill. Animi, cap. 14.*

The *Tali* and the *Tesseræ*, on Account of the Number of Passages in Authors equally applicable to both, have often-times been confounded, and by some distinguished from the *Lusus aleæ*, or Dice. Whereas, properly speaking, the *Greeks* and *Romans* had two Sorts of Games at Dice; the *Ludus talorum*, or Play at Cock-all; and the *Ludus tesserarum*, or what we call Dice. They played at the first with four *Tali*, and at the other with three *Tesseræ*. The *Tali* had but four Sides, marked with four opposite Numbers; one Side with a *Tres*, and the opposite with a *Quatre*; one with an *Ace*, and the contrary with a *Sice*. The Dice had six Faces, four marked with the same Numbers as the *Tali*, and the two others with a *Deux* and a *Cinque*, always one against the other; so that in both Plays the upper Number and the lower either on the *Talus* or *Teffera*, constantly made seven.

There were many severe Laws in Force, forbidding the Use of these Games, except during the *Saturnalia*; though they commonly gamed at other Times, notwithstanding these Prohibitions. But there was one Use made of them at Feasts and Entertainments, which perhaps did not come within the Cognizance of the Laws; and that was to determine by Dice, who should have the Power of prescribing Rules at a Drinking Bout; who in *Horace* is called *Arbiter bibendi*.

They threw both the *Tali* and the *Tesseræ* out of a long Box, for which they had several Names, as *Fritillum*, *Pyr-gus*, *Turricula*, *Orca*, &c.

There are many odd Terms interspersed through History, by which they signified their fortunate and unfortunate Casts; we shall take Notice of the best and the worst. The best Cast with the *Tali* was, when there came up four different Numbers, as *Tres*, *Quatre*, *Sice*, *Ace*: The best with the Dice was three *Sices*: The common Term for both was *Venus* or *Basilicus*; the lowest Cast in both having the Name of *Canis*, *Perfus* opposes the *Scnis*, and the *Canicula*, as the best and worst Chances.

—*Quid dexter senio ferret,*  
*Scire erat in votis; damnoſa canicula quantum*  
*Raderet, angustæ collo non fallier Orcæ.* Sat. iii. 48.

But then my Study was to cog the Dice,  
And dexterously to throw the lucky Sico;

To shun *Ames-Ace* that swept my Stakes away ;  
 And watch the Box, for Fear they should convey  
 False Bones, and put upon me in the Play.

DRYDEN.

It was judged by the most sensible among the *Romans*, that this sedentary Diversion was only suited to Men advanced in Life, who could not so well employ themselves in any active Recreation. “ Let them (*says old Cato in Tully*) have their Armour, their Horses, and their Spears; let them take their Club and their Javelin; let them have their swimming Matches and their Races, so they do but leave us, among the numerous Sports, the *Tali* and the *Tesseræ*.” But the general Corruption of Manners made the *Cafe* quite otherwife: *Juvenal* xiv. 4.

*Si damnosu senem juvat aea, ludit & haeres  
 Bullatus, parvoque eadem movet arma fritillo.*

If Gaming does an aged Sire entice,  
 Then my young Master swiftly learns the Vice,  
 And shakes, in Hanging-sleeves, the little Box and Dice.

DRYDEN.

It could not be expected, that this Game should be restrained in any moderate Degree in the City, when the Emperors were often professed Admirers of it. *Augustus* himself was so passionately fond of it that he had no Regard to Season (a). But the great Master of this Art was the Emperor *Claudius*, who by his constant Practice (even as he rode about in his Chariot,) gained such Experience, as to compose a Book on the Subject. Hence *Seneca*, in his sarcastical Relation of that Emperor’s *Aptheosis*, when, after a great many Adventures he has at last brought him to Hell, makes the Infernal Judges condemn him (as the most proper Punishment in the World) to play continually at Dice with a Box that had the Bottom out; which kept him always in Hopes, and yet always baulked his Expectations.

*Nam quoties missurus erat resonante fritillo,  
 Ultraque subdueto fugiebat tessera fundo ;  
 Cumque recollectus auderet mittere talos,  
 Lusuro similis semper, semperque petenti,*

(a) *Euctin. Aug.* cap. 71.

*Decepere fidem: refugit, digitisque per ipsos  
Fallax assiduo dilabitur alea farto.  
Sic cum jam summi tanguntur culmina montis,  
Irrita Sisyphus vivuntur pondera collo.*

For whensoe'er he shook the Box to cast,  
The rattling Dice delude his eager Haste:  
And if he try'd again, the waggish Bone  
Insensibly was through his Fingers gone;  
Still he was throwing, yet he ne'er had thrown.  
So weary *Sisyphus*, when now he sees  
The welcome Top, and feeds his joyful Eyes,  
Straight the rude Stone, as cruel Fate commands,  
Falls sadly down, and meets his restless Hands.

{

The antients had four Sorts of *Pilæ* or Balls used for Exercise and Diversion. The *Follis* or Balloon, which they struck about with their Arm, guarded for that Purpose with a wooden Bracer. Or if the Balloon was little, they used only their Fists. The *Pila Trigonalis*, the same as our common Balls. To play with this, there used to stand three Persons in a Triangle, striking it round from one to another: He who first let it come to the Ground, was the loser (a). *Paganica*, a Ball stuffed with Feathers, which *Martial* thus describes: xiv. 45.

*Hæc quæ difficili turget Paganica pluma,  
Folle minus laxa est, & minus arcta pila.*

The last Sort was the *Harpastum*, a harder Kind of Ball, which they played with, dividing into two Companies, and striving to throw it into one another's Goals, which was the conquering Cast.

Of the Game at *Par Impar*, or Even and Odd, it is not necessary to say more than that it was only proper for the Children: But, however, it is mentioned by *Suetonius*, as it was sometimes to be used at Feasts and Entertainments, in the same Manner as Dice and Chess (b).

The *Trochus* has been often thought the same as the *Turbo*, or Top; or like our Billiards: But, however, this

(a) See *Dacier* on *Horace*, Book 2. Sat. 2. (b) See *Sueton.* in *Aug. cap. 71.*

has been since contradicted, and the *Trochus* to be more properly a Hoop of Iron, five or six Feet Diameter, set all over in the Inside with Iron Rings. The Boys and young Men used to whirl this along, as our Children do wooden Hoops, directing it with a Rod of Iron having a wooden Handle; which Rod the *Grecians* called *λατὴς*, and the *Romans* *Radius*. It required great Dexterity to direct the Hoop. In the mean time, the Rings, by the Noise they made, not only gave the People Notice to keep out of the Way, but contributed very much to the Boys Diversion (a). We must observe not to rank this in the Clas<sup>s</sup> of the childish Games, since we find *Horace* (b) has placed it with the manly Sports.

*Ludere qui nescit, campestribus abstinet armis,  
Inductusque pilæ, discive, trochive quiescit.*

(a) See *Dacier* on *Horace*, Book 3. Od. 24. (b) *De Art. Poet.*

## C H A P. II.

*Of the Circensian Shows, and first of the Pentathlum, the Chariot Races, the Ludus Trojæ, and the Pyrrhica Saltatio.*

IT would be difficult to find a Division which would take in all the public Sports and Shows; but the most accurate seems to be that, which ranks them under two Heads, *Ludi Circenses*, and *Ludi Scenici*: But as this Division is only made in Respect of the Form and Manner of the Solemnities, and of the Place of Action, it is necessary to express the End and Design of their Institution; and this may be, *Ludi Sacri*, *Votivi*, and *Funebres*.

The Circensian Games take in the Representations of the Sea fights, as performed in the Amphitheatres: For the former were usually exhibited in the *Circo's* fitted for that Purpose; and when we meet with the *Naumachiae*, as Places distinct from the *Circo's*, we suppose the Structure to have been of the same Nature. And, as to the Amphitheatres, they

they were erected for the more convenient Celebration of some particular Shows, which used before to be presented in the *Circo's*. Here also may be taken in the *Pentathlum*, the Chariot-races, the *Ludus Trojae*, the Shows of wild Beasts, the Combats of the Gladiators, and the *Nau-machiae*.

The *Pentathlum*, or *Quinquertium*, as most of their other Sports, was borrowed from the Grecian Games: The five Exercises, of which it was composed, were Running, Wrestling, Leaping, Throwing, and Boxing. The two last have something so particular, that they are worth our Notice; the first were sometimes performed with the *Discus*, and the other with the *Cestus*. The *Discus*, or Quoit was made of Stone, Iron, or Copper, five or six Fingers broad, and more than a Foot long, inclining to an Oval Figure which they cast to a vast Distance, by the Help of a leathern Thong tied round the Person's Hand who threw them. Several learned Men have supposed, that, instead of the Thong just mentioned, they made use of a Twist or Brede of Hair; but, it is possible they might have been led into that Mistake, by the following Passage of *Claudian*:

*Quis melius vibrata puer vertigine molli  
Membra rotet? vertat quis marmora crine supino?*

What Youth cou'd wind his Limbs with happier Care?  
Or fling the Marble-quoit with toss'd back Hair?

Where the Poet by *crine supino* can mean only to express the extreme Motion of the Person throwing; it being very natural on that Account to cast back his Head, and so make the Hair fly out behind him (a).

Homer has made *Ajax* and *Ulysses* both great Artists at this Sport: And *Ovid*, when he brings in *Apollo* and *Hyacinth* playing at it, gives an elegant Description of the Exercise;

*Corpora veste levant, & succo pinguis olivæ  
Splendescunt, latique ineunt certamina disci;  
Quem prius aerias libratum Phœbus in auras  
Misit, & oppositas disjecit pondere nubes.  
Decidit in solidam longo post tempore terram  
Pondus, & exhibuit junctam cum viribus artem (b.)*

(a) See *Dacier* on *Hræce*, Book 1. Od. 8. (b) *Metamorphos.* 10.

'They strip, and wash their naked Limbs with Oil,  
To whirl the Quoit, and urge the sportive Toil.  
And first the God his well-pois'd Marble flung,  
Cut the weak Air, and bore the Clouds along :  
Sounding, at last, the massy Circle fell,  
And shew'd his Strength a Rival to his Skill.'

*Scaliger*, who attributes the Invention of the *Pentathlum* to the Rustics, is of Opinion, that the throwing the *Discus* was but an Improvement of their old Sport, of casting their Sheep-hooks: This Conjecture seems to have been taken from a Passage of *Homer*: Il. 4. 845.

"Οστρον τί; τ' ἐργάζει καλαίστα θεούς Θεοῖς;  
Ἡ δέ οὐ έπεισομέν πέτεται διὰ βρούς αὐχελαῖς;  
Τότεν πειτίς, δηὖδε οὐκέτι εἰσειτε.

As when some sturdy Hind his Sheep-hook throws,  
Which, whirling, lights among the distant Cows ;  
So far the Hero cast o'er all the Marks.

And indeed, the Judgment of the same Critic, that these Exercises owe their Original to the Life which Shepherds led, is no other than what their admired *Virgil* has introduced in the second *Georgic*. 527.

*Ifse dies agitat Festos; fufusque per herbam  
Ignis ubi in medio, & Socii cratera coronant,  
Te libans Lenæ vocat, pecorisque magistris  
Velocij jaculi certamina ponit in ulmo;  
Corporaque agresti nudat prædura palæstra,*

When any Rural Holy-days invite  
His Genius forth to innocent Delight ;  
On Earth's fair Bed, beneath some sacred Shade,  
Amidst his equal Friends carelessly laid,  
He sings thee *Bacchus*, Patron of the Vine.  
The Beechen Bowl foams with a Flood of Wine,  
Not to the Loss of Reason, or of Strength.  
To active Games, and manly Sports at length,

Their Mirth ascends ; and with full Veins they see  
Who can the best at better Trials be.

COWLEY.

The *Cestus* were either a Sort of leather Guards for the Hands, composed of Thongs, and commonly filled with Lead or Iron to add Force and Weight to the Blow : Or, according to others, a Kind of Whirl-bats or Bludgeons of Wood, with Lead at one End : though *Scaliger* censures the last Opinion as ridiculous ; and therefore he derives the Word from *ξιστός*, a Girdle or Belt (a). This Exercise is most admirably described by *Virgil*, in the Combat of *Dares* and *Entellus* : *Aeneid*. 5. The famous Artist, at the *Cestus*, was *Eryx* of *Sicily*, conquered at last at his own Weapons by *Hercules*. *Pollux* was very dexterous at this Exercise, as was his Brother *Castor* at Encounters on Horse-back. The Fight of *Pollux* and *Amynus*, with the *Cestus*, is excellently related by *Theocritus*, *Idyllium* 30.

The *CHARIOT-RACES* are as frequently mentioned as the *Circenian* Sports. The most remarkable Circumstance belonging to them, was the Factions or Companies of the Charioteers ; in which the Town was divided, some favouring one Company, and some another. The four antient Companies were the *Praesina*, the *Ruffata*, the *Alba* or *Albata*, and the *Veneta* ; the Green, the Red, the White, and the Sky-coloured, or Sea-green. This Distinction was taken from the Colour of their Liveries, and is thought to have had some Allusion to the four Seasons of the Year ; the first resembling the Spring, when all Things are Green ; the next, the fiery Colour of the Sun in the Summer ; the third, the Hoar of Autumn ; and the last, the Clouds of Winter : Or, else the fourth may be applied to Autumn, and the third to Winter. The *Praesina* and the *Veneta* are not so easily accounted for as the other two ; the former is derived from *πράσινος*, a Leek, and the other from *Veneti*, or the *Venetians*, a People that particularly liked that Colour. The Colour that most prevailed was the Green, especially under *Caligula*, *Nero*, and the following Emperors ; and in the Time of *Juvenal*, as mentioned in his eleventh Satyr : Where, he elegantly censures the strange Pleasure which the *Romans* took in these Sights. 193.

— — — *Miki face*  
*Immensæ nimia que licet si dicere plebis,*

(a) *De Re Pictica*, lib. 1. cap. 21.

*Tatian*

*Totam hodie Romam circus capit, & fragor aurem  
Percutit, eventum viridis quo colligo panni :  
Nam si deficeret, mœſlam attonitamque videres  
Hanc Urbem, veluti Cannarum in pulvere viciſis  
Consulibus.*

This Day all *Rome*, (if I may be allow'd,  
Without Offence to such a numerous Crowd,  
To say all *Rome*), will in the *Circus* sweat :  
Ecchoes already to their Shouts repeat.

Methinks I hear the Cry——“ Away, away,  
“ The Green have won the Honour of the Day.”  
Oh ! should these Sports be but one Year forborn,  
*Rome* would in Tears her lov'd Diversion mourn ;  
And that wou'd now a Cause of Sorrow yield,  
Great, as the Loss of *Cannæ*'s fatal Field.

CONGREVE.

The Emperor *Domitian*, as *Suetonius* informs us, added two new Companies to the former, the *Golden*, and the *Purple* (a). *Xiphilin* calls them the *Golden* and the *Silver*; but this seems to be a Mistake, because the Silver Liveries could not have been distinguished from the White. But these new Companies were soon after laid down again by the following Emperors (b).

Those most frequently mentioned are the *Bigæ*, and the *Quadrigæ*: But they sometimes had their *Sejuges*, *Septemjuges*, &c. And *Suetonius* assures us, that *Nero*, when he was a Performer in the *Olympic Games*, made use of a *Decemjuginis*, a Chariot drawn with ten Horses coupled together (c). The same Emperor sometimes brought Pairs of Camels to run the *Circo*, instead of Hories (d). And *Heliogabalus* obliged Elephants to the same Service (e).

The Races commonly ended at making the seventh Turn of the *Metæ*; though upon extraordinary Occasions they sometimes did it in a less Number of Heats. In like Manner the usual Number of *Miffus*, or Matches, were twenty-four; though sometimes a far greater Number was exhibited. For *Suetonius* tells us, that the Emperor *Domitian* presented an hundred Matches in one Day (f). *De la Cerdà* would insinuate that it is impossible that this Number

(a) *Domitian*. cap. 7. (b) *Lift. Com. in locum.* (c) *Suet. Nar.*  
cap. 24. (d) *Idem cap. 12.* (e) *Lamprid. in Heliogab.* (f) *Do-*  
*mit. cap. 4.*

could have a Reference to the Matches, but to the Chariots, so as to make no more than twenty-five *Missus*'s : But his Opinion is not taken Notice of by the Learned, who have commented on *Suetonius*. *Servius* (*a*) on that Verse of *Virgil*, *Georg.* iii. 18.

*Centum quadrijugos agitabo ad fumina currus,*

takes Occasion to inform us, that in Times of old there were always twenty-five Matches of Chariots, four in every Match, so as to make an hundred in all. The last *Missus* was set out at the Charge of the People, who made a Gathering for that Purpose ; and was therefore called *Aerarius* : But when this Custom of a Supernumerary *Missus* was laid aside, the Matches were no more in Number than twenty-four ; yet the last four Chariots still kept the Name of *Missus aerarius*.

The Time, when the Races should begin, was formerly made known by Sound of Trumpet. But afterwards the common Sign was the *Mappa*, or Napkin hung out at the *Prætor*'s, or the chief Magistrate's Seat. Hence *Juvenal* calls the *Megalensian Games*,

—*Megalefiacæ spectacula mappæ.* Sat. xi. 191.

The common Reason given for this Custom is, that *Nero*, being once at Dinner, and the People making a great Noise, desiring that the Sports might begin, the Emperor threw the Napkin he had in his Hand out of the Window, as a Token that he had granted their Request (*b*).

The Victors in these Sports were honoured with Garlands, Coronets, and other Ornaments, after the Grecian Manner ; and, very often, with considerable Rewards in Money : Insomuch that *Juvenal* makes one expert Charioteer able to purchase an hundred Lawyers,

—*Hinc centum patrimonia canfidicorum,  
Parte alic solum ruffati pone Lacertæ.* Sat. vii. 113.

It has been already mentioned, that they counted the Race to end at passing the *Meta* the seventh Time : And this *Propertius* expressly confirms, *Book 2. Eleg. 24.*

(*a*) *Ad. Georg. 3.*

(*b*) *Cassiodor. lib. Epist. 5.*

*Aut prius infelō dep̄sūt p̄m̄ia cursū,  
S̄ptima quam metā triverit arte rota.*

What Charioteer wou'd with the Crown be grac'd,  
'Ere his seventh Wheel the Mark has lightly pass'd?

So that the greatest Proof of their Art was to avoid the *Meta* with Dexterity, when they made their Turns; otherwise the Chariot and the Charioteer would come into no less Danger than Disgrace.

—*Metaque fervidis  
Evitata rotis.* Hor. Od. 1.

This occasioned *Theocritus*, when he mentions the Exercises in which they instructed young *Hercules*, to assign no less a Person for his Tutor than his own Father.

"Ιππεας δ' ἐξελάσσεται ιφ' ἀγματι: καὶ περὶ πόσαν  
Ασφαλέως πληυτίδαι προσχεῖ σύσημα φυλάξαι,  
Ἀμφιτρίος ἐν πάτερα φέρεται ἐδίδασκεν  
Ἄλτις, εἰς μάλα πολλὰ Σοῦν ἔχογετ' ἀγάνα.  
Ἄγει τὸν ἵπποδέστην περικόλλα: καὶ διὰ δασές  
Διέγει οὐφ' ἀνέβασαι, χείρων διέλυσσαν ἴματας. Eleg. ad. 117.

To drive the Chariot, and with steady Skill  
To turn, and yet not break the bending Wheel,  
*Amphytritis* kindly did instruct his Son:  
Great in that Art; for he himself had won  
Vast precious Prizes on the *Argive* Plains:  
And still the Chariot which he drove remains,  
Ne'er hurt i'th' Course, though Time had broke the }  
[falling Reins.]  
CREECH.

They who desire to be critically and better informed in what Manner these Races were performed, which were certainly very noble and entertaining, will meet with no less Pleasure than Satisfaction from the Description which *Virgil* has given of them in his third *Georgic*, l. 103.

*Nonne vides, cum præcipiti certamine campum  
Corripuere, ruuntque effusi carcere currus;  
Cum spes arrebatæ juvenum, exultantiaque baurit  
Corda pavor pulsans: illi instant verbere torto,  
Et proni dant lora: volat vi fervidus axis.  
Jamque humiles, jamque elati sublime videntur  
Aera per vacuum ferri, atque assurgere in auras.  
Nec mora, nec requies: at fulvæ nimbus arenæ  
Tollitur; humescunt spumis flatuque sequentum:  
Tantus amor laudum, tantæ est victoria curæ.*

Hast thou beheld, when from the Goal they start,  
The youthful Charioteers with beating Heart  
Rush to the Race; and panting scarcely bear  
Th' Extremes of fev'rish Hopes and chilling Fear;  
Stoop to the Reins, and lash with all their Force:  
The flying Chariot kindles in the Course.  
And now a-low, and now a-loft they fly,  
As born thro' Air, and seem to touch the Sky:  
No Stop, no Stay; but Clouds of Sand arise,  
Spurn'd and cast backward on the Follower's Eyes:  
The Hindmost blows the Foam upon the First:  
Such is the Love of Praise, and Honourable Thirst.

DRYDEN.

The *Troja*, or *Ludus Trojæ*, is generally attributed to the Invention of *Ascanius*. It was celebrated by Companies of Boys neatly dressed, and furnished with little Arms and Weapons, who mustered in the public *Circo*. They were collected for the most Part, out of the noblest Families; and the Captain of them had the honourable Title of *Princeps Juventutis*; being sometimes the next Heir to the Empire; and seldom less than the Son of a principal Senator. This Custom is so very remarkable, that it would be an unpar-  
donable Omission, not to give the whole Account of it in Virgil's own Words; especially since the Poet, in using all his Art on this Subject, as a Compliment to *Augustus*, has left us a most inimitable Description of it.

Aeneid. 5. Ver. 545.

*At pater Aeneas, nondum certamine missus,  
 Custodem ad se se comitemque impubis Iuli  
 Epytidem vocat, & fidam sic fatur ad aurem :  
 Vade age, & Ascanio, si jam puerile paratum  
 Agmen habet secum, cursusque instruxit equorum,  
 Ducat auro turmas, & se ostendat in armis,  
 Dic, ait. Ipse omnem longo decidere circo  
 Infusum populum, & campos jubet esse patentes.  
 Incedunt pueri, pariterque ante ora parentum  
 Frænatis lucent in equis : quos omnis eunt  
 Trinacriæ mirata fremit Trojæque juventus.  
 Omnibus in morem tonsa coma preffa corona :  
 Cornea bina ferunt præfixa basilia ferro ;  
 Pars lœves humero pharetras : It peccore summo  
 Flexilis obtorti per collum circulus auri.  
 Tres equitum numero turmæ, ternique vagantur  
 Duælores : Pueri bis seni quemque fecuti,  
 Agmine partito fulgent paribusque Magistris.  
 Una acies juvenum, dicit quam parvus ovantem  
 (Nomen avi referens,) Priamus, tua clara, Polite,  
 Progenies, auctura Italos ; quem Thracius albis  
 Portat equus bicolor maculis : vestigia primi  
 Alba pedis, frontemque ostentans arduus albam.  
 Alter Atys, genus unde Atti duxere Latini :  
 Parvus Atys, pueraque puer dilectus Iulo.  
 Extremus, formaque ante omnes pulcher Iulus  
 Sidonio est invecitus equo ; quem candida Dido  
 Esse sui dederat monumentum & pignus amoris.  
 Cætera Trinacriis pubes senioris Acestæ  
 Fertur equis.  
 Excipiunt plausu pavidos, gaudentque ruentes  
 Dardanidæ, veterumque agnoscunt ora parentum.  
 Postquam omnem læti concessum oculosque suorum  
 Lustravere in equis ; signum clamore paratis  
 Epytides longe dedit, insonuitque flagello.  
 Olli discurrere pares, atque agmina terni  
 Diducitis solvere choris ; rursusque vocati  
 Convertere vias, inseptaque tela tulere.  
 Inde alios incunt cursus, aliosque recursus,*

*Adversis spatiis, alternoisque orbibus orbes  
 Impediunt, pugnæque cinct simulachra sub armis :  
 Et nunc terga fugæ nudant, nunc spicula vertunt  
 Infensi; facta pariter nunc pace feruntur :  
 Ut quondam Creta fertur labyrinthus in alta  
 Parietibus textum cæsis iter, ancipitemque  
 Mille viis habuisse dolum, qua signa sequendi  
 Falleret indeprensus & irrcemeabilis error.  
 Haud aliter Teucrum nati vestigia cursu  
 Impediunt, texuntque fugas & prælia ludo :  
 Delphkinum similes, qui per maria humida nando  
 Carpathium Libycumque secant, luduntque per undas.  
 Hunc morem, bos cursus, atque hæc certamina primus  
 Ascanius, longam muris cum cingeret Albam.  
 Retulit, & priscos discuit celebrare Latinos :  
 Quo puer ipse modo, secum quo Troia pubes,  
 Albanæ docuere suos : hinc maxima porro  
 Accepit Roma, & patrium servavit honorem :  
 Trojaque nunc pueri, Trojanum dicitur agmen.*

But Prince *Æneas*, e're the Games were done,  
 Now call'd the wise Instructor of his Son,  
 'The good *Epytides*, whose faithful Hand  
 In noble Arts the blooming Hero train'd:  
 To whom the Royal Chief his Will declar'd:  
 Go bid *Ascanius*, if he stands prepar'd  
 To march his youthful Troops, begin the Course,  
 And let his Grandfire's Shade commend his growing Force.  
 Thus he ; and order'd st freight the swarming Tide  
 To clear the *Circo*; when from every Side  
 Crouds bear back Crouds, and leave an open Space,  
 Where the new Pomp in all its Pride might pass.  
 The Boys move on, all glittering lovely bright,  
 On well-rein'd Steeds in their glad Parents Sight.  
 Wond'ring, the *Trojan* and *Sicilian* Youth  
 Crown with Applause their Virtue's early Growth.  
 Their flowing Hair close flow'ry Chaplets grace,  
 And two fair Spears their eager Fingers pres.  
 Part bear gay Quivers on their Shoulders hung,  
 And Twists of bending Gold lie wreath'd along  
 Their Purple Vest; which at the Neck begun,  
 And down their Breasts in shining Circles run.

Three lovely Troops, three beauteous Captains led,  
And twice six Boys each hopeful Chief obey'd.  
The first gay Troop young *Priam* marshals on,  
Thy Seed, *Polites*, not to Fame unknown,  
That with *Italian* Blood shall join his own : }  
Whose kinder Genius, rip'ning with his Years,  
His Wretched Grand-sire's Name to better Fortune bears.  
A *Thracian* Steed with Spots of spreading White  
He rode, that paw'd, and crav'd the promis'd Fight.  
A lovely White his hither Fetlocks stains ;  
And White his high erected Forehead shines.  
And next with stately Pace young *Atys* mov'd,  
Young *Atys*, by the young *Ascanius* lov'd.  
From this great Line the noble *Attian* Stem,  
In *Latium* nurs'd, derive their antient Name.  
The third with his Command *Ascanius* grac'd ; }  
Whose Godlike Looks his Heavenly Race confess'd ;  
So beautiful, so brave, he shone above the rest.  
His sprightly Steed from *Sidon*'s Pasture came,  
The noble Gift of the fair *Tyrian* Dame,  
And fruitless Pledge of her unhappy Flame. }  
The rest *Sicilian* Coursers all bestrode,  
Which old *Acestes* on his Guests bestow'd.  
Them, hot with beating Hearts, the *Trojan* Crew  
Receive with Shouts, and with fresh Pleasure view ;  
Discovering in the Lines of every Face  
Some venerable Founder of their Race.  
And now the youthful Troops their Round had made,  
Panting with Joy, and all the Crowd survey'd ;  
When sage *Epytides*, to give the Sign,  
Crack'd his long Whip, and made the Course begin.  
At once they start, and spur with artful Speed,  
'Till in the Troops the little Chiefs divide  
The close Battalion: Then at once they turn,  
Commanded back ; while from their Fingers born,  
Their hostile Darts a-loft upon the Wind  
Fly shivering : Then in circling Numbers join'd,  
The manag'd Courses with due Measures bound,  
And run the rapid Ring, and trace the mazy Round.  
Files facing Files, their bold Companions dare,  
And wheel, and charge, and urge the sportive War.  
Now Flight they feign, and naked Backs expose ; }  
Now with turn'd Spears drive headlong on the Foes ;  
And now, Confederate grown, in peaceful Ranks they }  
close.

As Crete's fam'd *Labyrinth* to thousand Ways,  
 And thousand darken'd Walls the Guest conveys;  
 Endless, inextricable Rounds amuse,  
 And no kind Track the doubtful Passage shews.  
 So the glad *Trojan* Youth their winding Course  
 Sporting pursue; and charge the rival Force.  
 As sprightly Dolphins in some calmer Road  
 Play round the silent Waves, and shoot along the Flood.  
*Ascanius*, when (the rougher Storms o'erblown,)  
 With happier Fates he rais'd fair *Alba's* Town;  
 This youthful Sport, this solemn Race renew'd,  
 And with new Rites made the plain *Latins* proud.  
 From *Alban* Sires, th' Hereditary Game  
 To matchless *Rome* by long Succession came:  
 And the fair Youth in this Diversion train'd,  
*Troy* they still call, and the brave *Trojan* Band.

*Lazius* in his *Commentaries de Repub. Romana* supposes that the Justs and Tournaments, so much in Use about two or three hundred Years ago, owed their Original to this *Ludus Trojæ*, and that *Tornamenta* is but a Corruption of *Trojamenta*. And the Learned and Noble *Du Fresne* acquaints us that many are of the same Opinion. However, though the Word may perhaps be derived with more Probability from the *French Tourner*, to turn round with Agility; yet the Exercises have so much Resemblance, that one seems an Imitation of the other.

The *Pyrrhice*, or *Saltatio Pyrrbica*, is commonly believed to be the same with the Sport already described. But, as none of the Antients have left any tolerable Grounds for such a Conjecture, and it will appear very different, if we look into its Original, and the Manner of the Performance. Its Original is attributed to *Minerva*, who led up a Dance in her Armour, after the Conquest of the *Titans*: By others, to the *Curetes*, or *Corybantes*, *Jupiter's* Guard in his Cradle: who leaped up and down, clashing their Weapons, to keep old *Saturn* from hearing the Cries of his Infant Son. *Pliny* attributes the Invention to *Pyrrbus*, Son to *Achilles*, who instituted such a Company of Dancers at the Funeral of his Father (*a*). However, that it was very antient is plain

(a) *Nat. Hist.* lib. 57.

from *Homer*; which he glances at in several Descriptions, and a Representation of which he has most exactly engraved on the Shield of *Achilles*, given him by *Vulcan*. The Manner of the Performance seems to have consisted chiefly in the nimble turning of the Body, and shifting every Part, as if it were done to avoid the Stroke of an Enemy: And therefore this was one of the Exercises in which the young Soldiers were trained. *Apuleius* describes a *Pyrrhic Dance*, performed by young Men and Maids together (*a*); which only, would be sufficient to distinguish it from the *Ludus Troiae*. The best Account we meet with of the *Pyrrhic Dance* is in *Claudian's Poem on the sixth Consulship of Horrius*.

*Armatos hic sepe choros, certaque vagandi  
Textas lege fugas, inconfusisque recursus,  
Et pulchras errorum artes, jucundaque Martis  
Cernimus: insonuit cum verbere signa magister,  
Mutatosque edant pariter tot pectora motus,  
In latus allis clypeis, aut rursus in altum  
Vibratis: grave parma sonat mucronis acuti  
Verbere, & umbonum pulsu modulante resultans  
Ferreus alterno concentus clauditur ense.*

Here too the Warlike Dancers bles our Sight,  
Their artful Wand'ring, and their Laws of Flight,  
And unconfus'd Return, and inoffensive Fight.  
Soon as the Master's *Clack* proclaims the Prize,  
Their moving Breasts in tuneful Changes rise;  
Their Shields salute their Sides, or straight are shown  
In Air high waving; deep the Targets groan  
Struck with alternate Swords, which thence rebound,  
And end the Concert and the sacred Sound.

The most ingenious Mr. *Cartwright*, Author of the *Royal-Slave*, having Occasion to present a Warlike Dance in that Piece, took the Measures of it from thi Passage of *Claudian*, as the most exact Guide Antiquity has left. And in his Piece has given no other Description of that Dance, than the Verses he copied from the Author just mentioned.

(a) *Milesar.* lib. 10.

*Julius Scaliger* tells us, that while a Youth, he had often danced the *Pyrrhic* before the Emperor *Maximilian*, to the Amazement of all *Germany*: And that the Emperor was once so surprized at his warlike Activity, as to cry out, “ This Boy either was born in a Coat of Mail, instead of a Skin, or else has been rocked in one instead of a Cradle (*a*).”

(*a*) *Poet. lib. 1. cap. 18.*

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### C H A P. III.

#### *Of the Exhibitions of Wild Beasts, and of the Nau-machiæ.*

**T**HE Shows of wild Beasts were instituted to the Honour of *Diana* the Patroness of Hunting. For this Purpose, no Expence was spared to collect the most rare Creatures from the most distant Parts: Hence *Claudian*,

—*ratibus pars ibat onustis  
Per freta, vel fluvios; exsanguis dextera torpet  
Remigis, & propriam metuebat navita mercem.*

—Part in laden Vessels came,  
Born on the rougher Waves, or gentler Stream;  
The fainting Slave let fall his trembling Oar;  
And the pale Master fear'd the Freight he bore.

And presently after,

—*Quqdunque tremendum est  
Dentibus, aut insigne jubis, aut nobile cornu,  
Aut rigidum fetis capitur, decus omne timorque  
Sylvarum, non caute latent, non malle resplunt.*

All that with potent Teeth command the Plain,  
All that run horrid with erected Mane,  
Or proud of stately Horns, or bristling Hair,  
At once the Forest's Ornament and Fear;

Torn from their Desarts by the *Roman Power*,  
Nor Strength can save, nor craggy Dens secure.

Some Creatures were presented merely as Rarities, as the Crocodiles, and several foreign Birds and Beasts: others for the Combat, as Lions, Tigers, Leopards, &c. others, either purely for Delight, or else for the Use of the People, as at such Times they were allowed the Liberty of catching what they could for themselves, as Hares, Deer, and the like. There were three Sorts of Diversions practised with the Beasts, which passed under the general Name of *Venation*; the first, when the People were permitted to run down the Beasts for their own Use; the second, when the Beasts fought with one another; and the last, when they were brought out to engage with Men.

When the People were allowed to lay hold on what they could for their own Use, they called it *Venatio direptionis*: This seems to have been an Institution of the Emperors. It was many Times presented with extraordinary Charge, and great Variety of Contrivances: The middle Part of the *Circus* being set all over with Trees, removed thither by main Force, and secured to huge Planks, which were laid on the Ground; these, being covered with Earth and Turf, represented a natural Forest, into which the Beasts being let from the *Caveæ*, or Dens under Ground, the People, at a Sign given by the Emperor, hunted them, and carried away what they killed, to regale upon at Home. The Beasts usually given were Boars, Deer, Oxen, and Sheep. Sometimes all Kinds of Birds were presented after the same Manner. The usual Way of letting the People know what they should seize, was by scattering amongst them little Tablets or Tickets, (*Tefferas*) which entitled those who caught them to the Contents of their Inscription. Sometimes every Ticket was marked with such a Sum of Money, payable to the first Taker. These Rewards were in general termed *Missilia*, from their being thrown among the Multitude (a).

The Fights between Beasts were exhibited with great Variety; sometimes we find a Tiger matched with a Lion; sometimes a Lion with a Bull, a Bull with an Elephant, a Rhinoceros with a Bear, &c. Sometimes we meet with a Deer hunted on the *Arena* by a Pack of Dogs. But the most extraordinary Sight was, when by bringing the Water

(a) *Vid. Bullenger de Venat. Circi. cap. 23.*

into the Amphitheatre, huge Sea-Monsters, were introduced to combat with Wild Beasts.

*Nec nobis tantum sylvestria cernere monstra  
Contigit, æquoreos ego cum certantibus ursis  
Spectavi vitulos.*

Calphurn. Eclog. 7.

Nor Sylvan Monsters we alone have view'd,  
But huge Sea-Calves, dy'd red with hostile Blood  
Of Bears, lie flound'ring in the wond'rous Flood.

}

The Men, that engaged with Wild Beasts, had the common Name of *Bestiarii*. Some of these were condemned Persons, as has already been remarked ( ): Others hired themselves at a set Price, like the *Gladiators*; and, like them too, had their Schools, where they were instructed and initiated in such Combats. We find several of the Nobility and Gentry often voluntariy engaging in these Encounters. And *Juvenal* acquaints us, that the very Women were ambitious of shewing their Courage, on the like Occasions, though with the Forfeiture of their Modesty.

*Cum—————Mævia Tuscum  
Figat aprum, & nuda teneat venabula mamma.* Sat. i. 22.

Or when with naked Breast the mannish Whore  
Shakes the broad Spear against the *Tuscan* Boar.

And *Martial* compliments the Emperor *Domitian* very handsomely on the same Account. Spectac. vi.

*Belliger invictis quod Mars tibi sœvit in armis,  
Non satis est, Cæsar, sœvit & ipsa Venus.  
Prostratum vasla Nemees in valle leonem  
Nobile & Herculeum fama canebat opus.  
Prisca fides taceat: Nam post tua munera, Cæsar,  
Hæc jam fœminea vidimus acta manu.*

Not *Mars* alone his bloody Arms shall wield;  
*Venus*, when *Cæsar* bids, shall take the Field,  
Nor only wear the Breeches, but the Shield.  
The Savage Tyrant of the Woods and Plain,  
By *Hercules* in doubtful Combat slain,

}

(a) Book iii. Chap. 20.

Still fills our Ears with the Nemean Vale,  
And musty Rolls the mighty Wonder tell :  
No Wonder now ; for Cæsar's Reign has shewn  
A Woman's equal Power ; the same Renown  
Gain'd by the Distaff which the Club had won.

{

Those who engaged on the open Ground with the Beasts, commonly did so at great Disadvantages ; and therefore, for the most Part, their Safety consisted in the nimble turning of their Body ; and leaping up and down to elude the Force of their Adversary. Therefore *Martial* may very well make a Hero of the Man who slew twenty Beasts, all let in upon him at once, though we may suppose them to have been of the inferior Kind.

*Herculeæ laudis numeretur gloria : plus est  
Bis denas pariter perdomuisse feras.*

Count the twelve Feats that *Hercules* has done ;  
Yet twenty make a greater, joined in one.

But as this Way of engaging commonly proved successful to the Beasts, they had other Ways of attacking them ; which they did with Darts, Spears, and other missive Weapons, from the higher Parts of the Amphitheatre, where they were secure from their Reach ; so as by some Means or other they commonly contrived to kill three or four hundred Beasts in one Show.

In the Exhibition of wild Beasts given by *Julius Cæsar* in his third Consulship, twenty Elephants were opposed to five hundred Footmen ; and twenty more with Turrets on their Backs, with sixty Men allowed for the Defence of the Turret, engaged with five hundred Foot, and as many Horse (a).

The NAUMACHIAE owe their Original to the Time of the first *Punic War*, when the Romans began to initiate their Men in the Knowledge of Sea-Affairs. After the Improvements of many Years, they were exhibited as well for gratifying the Sight, as for increasing their naval Experience and Discipline ; and therefore composed one of the solemn Shows, by which the Magistrates, or Emperors, or those desirous of Popularity, so often made their Court to the People.

The usual Accounts we have of these Exercises, seem to describe them as nothing else but the Representation of a

(a) Plin. *Nat. Hist.* lib. 8. cap. 7.

naval Fight. But it is probable that sometimes they did not engage in an hostile Manner, but only rowed fairly for the Victory. This Conjecture may be confirmed by the Authority of *Virgil*, who is acknowledged by all the Critics, in his Descriptions of the Games and Exercises, to have had an Eye always to his own Country, and to have drawn them after the Manner of the *Roman* Sports. Now the Sea Contention, which he presents us with, is entirely a Trial of Swiftnes in the Vessels, and of Skill in managing the Oars, as it is most admirably delivered in his fifth Book: 114.

*Prima pares ineunt gravibus certamina remis  
Quatuor ex omni deleciae classe carinæ, &c.*

The *Naumachiae* of *Claudius*, which he presented on the *Fucine* Lake before he drained it, deserve to be particularly mentioned, not more for the Greatness of the Exhibition, than for the Behaviour of the Emperor; who, when the Combatants passed before him with so melancholy a Greeting as, *Ave Imperator, morituri te salutant*, returned in Answer, *Avete vos*; which when they would gladly have interpreted as an Act of Favour, and a Grant of their Lives, he soon gave them to understand that it proceeded from the contrary Principle of barbarous Insensibility (*a*).

The most celebrated *Naumachiae* were those of the Emperor *Domitian*; in which were engaged such a vast Number of Vessels as would have almost formed two compleat Navies (*b*) for a proper Fight, together with a proportionable Channel of Water, equalling the Dimensions of a natural River. *Martial* has some very elegant Lines of a peculiar Turn on this Subje&t. *Spectac.* 24.

*Si quis ades longis serus spectator ab oris,  
Cui lux prima sciri nuneris ista dies,  
Ne te decipiat ratibus navalis Enyo,  
Et par unda fretis: hic modo terra fuit.  
Non credis? spectes dum laxent æquora Martem:  
Parva mora est, dices, hic modo pontus erat.*

Stranger, whoe'er from distant Parts arriv'd,  
But this one sacred Day in *Rome* hast liv'd:  
Mistake not the wide Flood, and pompous Show  
Of naval Combats: Here was Land but now.

(*a*) See *Sueton.* *Claud.* c. 43. *Tacit.* Ann. XIII. (*b*) *Sueton.* in *Domit.* c. 4.

Is this beyond your Credit? Only stay  
Till from the Fight the Vessels bear away;  
You'll cry with Wonder, Here but now was Sea!

{

It is related of the Emperor *Heliogabalus*, that, in a Representation of a naval Fight, he filled the Channel where the Vessels were to ride, with Wine instead of Water (a). A Story impossible, though we have the highest Conceptions of his prodigious Luxury and Extravagance.

## C H A P. IV.

### *Of the GLADIATORS.*

THE Rise of the *Gladiators* is supposed to be derived from the antient Custom of killing Men at the Funerals of great Generals. For the old Heathens fancying the Ghosts of the deceased to be satisfied, and rendered propitious by Human Blood, at first used to buy Captives, or Slaves, and offered them at the Obsequies. Afterwards they contrived to set off their impious Barbarity with the specious Show of Pleasure, and voluntary Combat; and therefore training up such Persons as they had procured, in some tolerable Knowledge of Weapons; upon the Day appointed for the Sacrifices to the deceased, they obliged them to maintain a mortal Encounter at the Tombs of their Friends. The first Show of *Gladiators*\*, exhibited at *Rome*, was that of *M. and D. Brutus*, upon the Death of their Father, *A. U. C. 490.* in the Consulship of *Ap. Claudius*, and *M. Fulvius* (b).

After a while, when they found the People exceedingly pleased with such bloody Entertainments, they resolved to give them the like Diversion as often as possible; and therefore it soon grew into a Custom, that not only the Heir of any great or rich Citizen newly deceased, but that all the principal Magistrates should take Occasions to present the People with these Shows, in Order to procure their Esteem and Affection. Nay, the very Priests were sometimes the Exhibitors of such impious Pomps; for we meet with the *Ludi*

(a) *Lampridius in Heliogab.*

(b) *Val. Max. lib. 2. cap. 4.*

Ponti-

*Pontificales* in *Suetonius* (*a*) and with the *Ludi Sacerdotales* in *Pliny* (*b*).

As for the Emperors, it was so much their Interest to ingratiate themselves with the Commonalty, that they obliged them with these Shows almost upon all Occasions: As on their Birth-day; at the Time of a Triumph, or after any signal Victory; at the Consecration of any public Edifices; at the Games which several of them instituted, to return in such a Term of Years; with many others, which are to be met with in History.

And as the Occasions of these Solemnities were so prodigiously increased, in the same Manner was the Length of them, and the Number of the Combatants. At the first Show exhibited by the *Bruti*, it is probable there were only three Sets of *Gladiators*, as may be collected from *Ausonius*:

*Tres primas Thracum pugnas, tribus ordine bellis,  
Juniadæ patrio inferias misere sepulchro.*

Yet *Julius Cæsar* in his Edileship presented three hundred and twenty Pair (*c*). The excellent *Titus* exhibited a Show of *Gladiators*, wild Beasts, and Representations of Sea-fights, an hundred Days together (*d*): And *Trajan*, who was equally delighted with such Sports continued a Solemnity of this Nature an hundred and twenty three Days, in which Time he presented a thousand Pair of *Gladiators* (*d*). Two thousand Men of the same Profession were enlisted by the Emperor *Otho* to serve against *Vitellius* (*e*). Nay, long before this, they were so very numerous, that in the Time of the *Catilinarian Conspiracy*, an Order passed to send all the *Gladiators* into the Garrisons, for fear they should raise any Disturbance in the City (*f*), by joining with the disaffected Party. And *Plutarch* informs us, that the famous *Spartacus*, who at last gathered such a numerous Force as to put *Rome* under some Apprehensions, was no more than a *Gladiator*, who, breaking out from a Show at *Verona*, with the rest of his Gang, dared to proclaim War against the *Roman State* (*g*).

In the mean Time, the wiser and the better *Romans* were very sensible of the dangerous Consequences which a Corruption of this Nature might produce; and therefore *Cicero* preferred a Law, that no Person should exhibit a Show of *Gladiators* within two Years before he appeared Candidate

(*a*) *August.* cap. 44. (*b*) *Epist.* lib. 7. (*c*) *Plutarch* in *Cæsar*. (*d*) *Dis.* lib. 68. (*e*) *Tacitus*. (*f*) *Sallust.* *Catalin.* (*g*) *Plutarch* in *Cæsar*.

for an Office (a). *Julius Cæsar* ordered, that only such a Number of Men of this Profession should be in *Rome* at a Time (b). *Augustus* decreed that only two Shows of *Gladiators* should be presented in a Year, and never above sixty Pair of Combatants at each (c). *Tiberius* provided by an Order of Senate, that no Person should have the Privilege of gratifying the People with such a Solemnity, unless he was worth four hundred thousand *Sestertes* (d).

*Nerva* in a great Measure regulated this Affair, after the many Abuses of the former Emperors; but the Honour of entirely removing this Barbarity out of the *Roman World*, was referred for *Constantine* the Great, which he performed about the Year of the City 1067, near six hundred Years after their first Institution. Yet under *Constantius*, *Theodosius*, and *Valentinian*, the same cruel Humour began to revive, until a final Stop was put to it by the Emperor *Honorius*; the Occasion of it is given at large by the Authors of Ecclesiastical History.

Thus much may be proper to observe in general, concerning the Origin, Increase, and Restraint of this Custom. For our farther Information, it will be necessary to take particular Notice of the Condition of the *Gladiators*, of their several Orders or Kinds, and of their Manner of Duelling.

As for their Condition, they were commonly Slaves, or Captives; for it was a common Custom to sell a disobedient Servant to the *Lanistæ*, or Instructors of the *Gladiators*, who, after they had taught them some Part of their Skill, let them out for Money at a Show. Yet the Freemen soon put in for a Share of this Privilege to be killed in Jest; and accordingly many Times offered themselves to hire for the Amphitheatre, whence they had the Name of *Auctorati*. Nay, the Knights and Noblemen, and even the Senators themselves, at last were not ashamed to take up the same Profession; some to keep themselves from starving, after they had squandered away their Estates, and others to make their Court to the Emperors: So that *Augustus* was forced to command by a public Edict, that none of the Senatorian Order should turn *Gladiators* (e). And soon after, he laid the same Restraint on the Knights (f). Yet those Prohibitions were so little regarded by the following Princes, that *Nero* presented at one Show (if the Numbers in *Suetonius* are not corrupted) four hundred Senators, and six hundred of the *Equestrian Rank* (g).

(a) *Cicer: in Vatin.* (b) *Suet. Cæs. cap. 10.* (c) *Div.* (d) *Tacit. An. 4.*  
(e) *Div. lib. 43.* (f) *Sueton. Aug. cap. 43.* *Div. lib. 54.* (g) *Idem. Ner. cap. 12.*

But all this will not Surprise, when, upon a farther View, we meet with the very Women engaging in these public Encounters, particularly under *Nero* and *Domitian*. *Juvenal* has in a most masterly Manner exposed this Disabuse of their Sex in his sixth Satire. 254.

*Quale decus rerum, si conjugis audito fiat,  
Balteus & manicae, & cristæ, crurisque sinistri  
Dimidium tegmen? vel si diversa movebit  
Prælia, tu felix, ocreas vendente pueræ.  
Hæ sunt quæ tenui sudant in cyclade: quarum  
Delicias & panniculus bombycinus urit.  
Adspice quo fremitu monstratos preferat ielus,  
Et quanto galeæ curvetur pondere; quanta  
Poplitibus fedeat, quam densa fascia libro!*

Oh! what a decent Sight 'tis to behold  
All thy Wife's Magazine by Auction sold!  
The Belt, the crested Plume, the several Suits  
Of Armour, and the Spanish Leather Boots!  
Yet these are they that cannot bear the Heat  
Of figur'd Silks, and under Sarsenet sweat.  
Behold the strutting Amazonian Whore,  
She stands in Guard, with her right Foot before;  
Her Coats tuck'd up, and all her Motions just,  
She stamps, and then cries hah! at every Thrust.

DRYDEN.

Yet the Women were not the most inconsiderable Performers, for a more ridiculous Set of Combatants are still behind; and these were the Dwarfs, who encountering one another, or the Women, at these public Diversions, gave a very high Entertainment. *Statius* has left us this elegant Description of them. *Sylv. I. vi. 57.*

*Hic audax subit ordo pumilorum,  
Quos natura brevi statu peractos,  
Nodosum semel in globum ligavit.  
Edunt vulnera, conferuntque dextras,  
Et mortem sibi, qua manu, minentur,  
Ridet Mars pater & cruenta Virtus;  
Casuræque vagis grues rapinis,  
Mirantur pumilos ferociores.*

To mortal Combat next succeed  
 Bold Fencers of the *Pigmy Breed*,  
 Whom Nature, when she half had wrought,  
 Not worth her farther Labour thought,  
 But clos'd the rest in one hard Knot.  
 With what a Grace they drive their Blow,  
 And ward their Jolt-head from their Foe?  
 Old *Mars* and rigid *Virtue* smile  
 At their redoubted Champions Toil.  
 And Cranes, to please the Mob let fly,  
 Admire to see their Enemy  
 So often by themselves o'ercome,  
 Inspir'd with nobler Hearts at *Rome*.

{

The several Kinds of *Gladiators* worth observing were the *Retiarii*, the *Secutores*, *Myrmillones*, the *Thracians*, *Samnites*, *Pinnirapi*, the *Efedarii*, and the *Andabatæ*. But before we enquire particularly into the distinct Orders, we may take Notice of several Names attributed in common to some of every Kind upon various Occasions. Thus we meet with the *Gladiatores Meridiani*, who engaged in the Afternoon, the chief Part of the Show being finished in the Morning. *Gladiatores Fisciales*, those who were maintained out of the Emperor's *Fiscus*, or private Treasury, such as Arrian calls καίσαρος πονηράχες *Cæsar's Gladiators*: *Gladiatores Postulatitii*, commonly Men of great Art and Experience, whom the People particularly desired the Emperor to produce: *Gladiatores Catervarii*, such as did not fight by Pairs, but in small Companies: Suetonius uses *Catervarii Pugiles* in the same Sense (a). *Gladiatores ordinarii*, such as were presented according to the common Manner, and at the usual Time, and fought in the ordinary Way; on which Account they were distinguished from the *Catervarii*, and the *Postulatitii*.

As for the several Kinds already mentioned, they owed their Distinction to their Country, their Arms, their Way of fighting, and such Circumstances; and may be thus, in short, described:

The *Retiarius* was dressed in a short Coat, having a *Fusina* or Trident in his Left-hand, and a Net in his Right, with which he endeavoured to entangle his Adversary, and then with his Trident might easily dispatch him: On his

(a) *Aug.* cap. 45.

Head he wore only a Hat tied under his Chin with a broad Ribbon. The *Secutor* was armed with a Buckler and Helmet, whereon was the Figure of a Fish, in Allusion to the Net. His Weapon was a Scymetar, or *Falc supina*. He was called *Secutor*, because if the *Retarius*, against whom he was always matched, should happen to fail in casting his Net, his only Safety lay in Flight; so that in this Case he run about the Place of Combat with all possible Agility, until he had again prepared his Net: In the mean Time this Opponent followed him, and endeavoured to prevent his Design. *Juvenal* is very happy in the Account he gives us of a young Nobleman that scandalously turned *Retarius* in the Reign of *Nero*: Nor is there any Relation of this Sort of Combat so exact in any other Author.

— — — — — *Et illic*

*Dedecus urbis habes: nec myrmillonis in armis,*  
*Nec clypeo Gracchum pugnantem aut falce supina,*  
*(Damnat enim tales habitus, sed damnat & odit :)*  
*Nec galea faciem abscondit, movet ecce tridentem,*  
*Postquam librata pendentia retia dextra*  
*Ne quicquam effudit, nudum ad spectacula vultum*  
*Erigit, & tota fugit agnoscendus arena.*  
*Credamus tunicae, de faucibus aurea cum se*  
*Porrigat, & longo jacletur spira galero :*  
*Ergo ignominiam graviorem pertulit omni*  
*Vulnere, eum Gracco jussus pugnaresecutor.* Sat. viii. 199.

Go to the Lists where Feats of Arms are shown,  
 There you'll find *Gracchus* from Patrician grown  
 A Fencer, and the Scandal of the Town.

Nor will he the *Myrmillo*'s Weapons bear:

The modest Helmet he disdains to wear.

As *Retarius* he attacks his Foe;

First waves his *Trident* ready for the Throw;

Next casts his *Net*, but neither levell'd right,

He stares about, expos'd to public Sight,

Then places all his Safety in his Flight.

Room for the noble *Gladiator!* see

His Coat and Hatband show his Quality.

Thus when at last the brave *Myrmillo* knew

"Twas *Gracchus* was the Wretch he did pursue,

To conquer such a Coward griev'd him more,

Than if he many glorious Wounds had bore.

STEPNEY.

Here the Poet seems to make the *Myrmilli* the same as the *Sector*, and thus all the Commentators explain him. Yet *Lipsius* will have the *Myrmillones* to be a distinct Order, who fought compleatly armed; and therefore he believes them to be the *Crupellarii* of *Tacitus* (a), so called from some old *Gallic* Word, expressing that they could but move slowly on Account of their heavy Armour.

The *Thracians* were a People that most excelled amongst the *Gladiators*, as their Nation was remarkable for Fierceness and savage Brutality beyond the rest of the World. The particular Weapon they used was the *Sica*, or Faulchion; and their Defence consisted in a *Parma*, or little round Shield, proper to their Country.

The Original of the *Samnite* *Gladiators* is given us by *Livy*: The *Campanians*, says he, bearing a great Hatred to the *Samnites*, armed a Part of their *Gladiators* after the Manner of that Country, and called them *Samnites* (b). What these Arms were, he tells us in another Place; they consisted of a Shield broad at the Top to defend the Breast and Shoulders, and growing narrower towards the Bottom, that if might be moved with the greater Convenience; they had a Sort of Belt coming over their Breasts, a Greave on their left Foot, and a crested Helmet on their Heads; whence it is plain that Description of the *Amazonian* Fencer, already given from *Juvenal*, is expreſſly meant of assuming the Armour and Manner of a *Samnite* *Gladiator*.

*Balteus & manice & crista, crurisque sinistri  
Dimidium tegmen.*

The *Pinnæ*, which adorned the *Samnite's* Helmet, denominated another Sort of *Gladiators*, *Pinnirapi*, who when engaged with the *Samnites* used to catch at those *Pinnæ*, and bear them off in Triumph, as Marks of their Victory. Doctor *Holiday* takes the *Pinnirapus* to be the same as the *Retarius* (c).

*Lipsius* supposes the *Provocatores*, mentioned by *Cicero* in his Oration for *P. Sextius*, to have been a distinct Species, and that they were generally engaged against the *Samnites*; though perhaps the Words of *Cicero* may be thought not to imply so much.

(a) *Annal.* lib. 5. (b) Lib. 9. (c) Illustration on *Juvenal*, Sat. 3.

The *Hoplomachi*, whom we meet with in *Seneca* (*a*) and *Suetonius* (*b*), may probably be the same either with the *Samnites* or *Myrmillones*, called by the Greek Name ἵππομάχοι, as they fought in Armour.

The *Eshedarii*, mentioned by the same Authors (*c*), and by *Tully* (*d*), were such as on some Occasions engaged in Chariots\*, though perhaps at other Times \* *Eshedum*. they fought on Foot like the rest. The *Eshedum* was a Sort of Waggon, from which the *Gauls* and the *Britons* used to assail the *Romans* in their Engagements with them.

The *Anabatæ* or ἀναβάται fought on Horse-back, with an Helmet that covered all the Face and Eyes, and therefore *Anabatarum more pugnare* is to combat blindfold.

It will not be possible to have a perfect Conception of the Gladiators, unless we take in what was done preparative to, and after the Fight, as well as the actual Engagement. When any Person designed to oblige the People with such an Exhibition, he stuck up Bills in the public Places, pointing out the Time, the Number of these Gladiators, and other Circumstances. This they called *Annus pronunciare* or *proponere*; and the *Libelli* or Bills were sometimes termed *Edicta*: Frequently besides these Bills they hung up great Pictures, representing the Manner of the Engagement, and the Figures of some of the most celebrated Gladiators, whom they intended should appear. This Custom is elegantly described by *Horac.*, Book 2. Sat. vii. 95.

*Vel cum Pausiaca torpes, infane tabella;  
Qui peccas minus, atque ego; cum Fulvi, Rutubæque  
Aut Placideiani contenta poplite miror  
Prælia, rubrica picta aut carbone: velut si  
Revera pugnant, feriant, vitentque moventes  
Arma viri?*

Or when on some rare Piece you wond'ring stand,  
And praise the Colours, and the Master's Hand,  
Are you less vain than I, when in the Street  
The painted Canvas holds my ravish'd Sight?  
Where with bent Knees the ikeful Fencers strive  
To speed their Pass, as if they mov'd alive!  
And with new Slights so well expres'd engage,  
That I amaz'd stare up, and think them on the Stage.

(*a*) *Controvers. lib. 3.* (*b*) *In Calig. 3.* (*c*) *Senec. Epist. 39. Sueton. C. C. 25. Claud. 21.* (*d*) *In Epiphili.*

On the Day for the Exhibition, preparative to it the Gladiators were brought out, and made a Circuit round the *Arena* in a very solemn and pompous Manner. After this they proceeded *paria compondere*, to match them by Pairs, in which great Care was taken to match them as equally as possible. Before the Combatants engaged, they tried their Dexterity against one another with Weapons prepared for the Purpose, as the *Rudes*, and the Spears without Heads, the blunted Swords, or Files, and such like. This *Cicero* admirably observes : *Si in illo ipso gladiatorio vitæ certamine, quo ferro decernitur, tamen ante congressum multa fiunt, quæ non ad vulnus, sed ad speciem valere videantur; quanto magis hoc in Oratione expectandum est?* “ If in the mortal Combats of the *Gladiators*, where the Victory is decided by Arms, before they actually engage, there are several Flourishes given, more for a Show of Art than a Design of hurting; how much more proper would this look in the Contention of an Orator ? ” This Flourishing before the Fight was called in common *Præludio*, or in respect of the Swords only, *Ventilatio*. This Exercise was continued, until the the Trumpets sounding gave them Notice to prepare for their real Encounters, and then they were said *vertere Arma*.

—*Ita rem natam esse intelligo,  
Necessum est vorbis armis depugnarier.* Plaut.

The Terms of striking were *Petere* and *Repetere*; of avoiding a Blow, *exire*. Virg. Æn. v. 438.

*Corpore tela modo, atque oculis vigilantibus exit.*

When any Person received a remarkable Wound, either his Adversary or the People used to cry out, *babet*, or *hoc babet*. This *Virgili* alludes to, Æneid. xii. 294.

—*Teloque, orantem multa, trabali  
Desuper altus equo graviter ferit, atque ita fatur:  
Hoc babet: hæc magnis melior data victima divis.*

—Him, as much as he pray'd,  
With his huge Spear *Messapus* deeply struck  
From his high Courser's Back, and chacing spoke,  
*Ile has it*; and to this auspicious Blow  
A nobler Victim the great Gods shall owe.

The Party who was worsted *submitted his Arms*, and acknowledged himself conquered; yet this would not save his Life, unless the People pleased, and therefore he made his Application to them for Pity. The two Signs of Favour and Dislike given by the People were, *premere Pollicem*, and *verttere Pollicem*, Phrases which the Critics have quarrelled much about to little Purpose. But M. *Dacier* seems to have been more happy in his Explanation than his Predecessors. The former he takes to be a clenching of the Fingers of both Hands between one another, and so holding the two Thumbs upright close together. This was done to express their Admiration of the Art and Courage shewn by both Combatants, and a Sign to the Conqueror to spare the Life of his Antagonist, as having behaved remarkably well. Hence *Horace*, to signify the extraordinary Commendation that a Man could give to one of his own Temper and Disposition, says, Book I. Ep. xviii. 66.

*Fautor utroque tuum laudabit pollice ludum.*

And *Menander* has δακτύλιος πάθεια, *to press the Fingers*, a Custom on the Grecian stage, designed for a Mark of Approbation, equivalent to our Clapping.

But the contrary Motion, or bending back of the Thumbs, signified the Dissatisfaction of the Spectators, and authorized the Victor to dispatch his Antagonist as being a Coward.

—*Vero pollice vulgi  
Quemlibet occidunt populariter.* Juv. Sat. iii. 36.

Where influenc'd by the Rabble's bloody Will,  
With Thumbs bent back, they popularly kill.

Besides this Privilege of the People, the Emperors seem to have had the Liberty of saving whom they thought fit, when they were present at the Solemnity; and perhaps, upon the bare Coming in of the Emperor into the Place of Combat, the Gladiators, who in that Instant had the Worst of it, were delivered from farther Danger.

*Cæsar is adventu tuta Gladiator arena  
Exit, & auxilium non leve vultus habet.* Martial,

Where *Cæsar* comes, the worsted Fencer lives,  
And his bare Presence (like the God's) reprieves.

After the Engagement there were several Marks of Favour conferred on the Victors, as a Present of Money, collected among the Spectators; which *Juvenal* alludes to, *Sat. 7.*

*Accipe victori populus quod postulat aurum.*

—Take the Gains

A conqu'ring Fencer from the Crowd obtains.

But the most common Rewards were the *Pileus* and the *Rudis*: The former was given only to such Gladiators as were Slaves, as a Token of their obtaining Freedom. The *Rudis* seems to have been bestowed both on Slaves and Free-men; but with this Difference, that it procured for the former no more than a Discharge from any farther Performance in Public, upon which they commonly turned *Lanistæ*, spending their Time in training up young Fencers. *Ovid* calls it *tuta Rudis*.

*Tutaque deposito poscitur ense rudis.*

But the *Rudis*, when given to such Persons as, being Free, had hired themselves out for these Shows, restored them to a full Enjoyment of their Liberty. Both these Sorts of *Rudarii*, being excused from farther Service, had a Custom to hang up their Arms in the Temple of *Hercules*, the Patron of their Profession, and were never called out again without their Consent. *Horace* has given us a full Account of this Custom in his first Epistle to *Mæcenas*:

*Prima dico mihi, summa dicende camæna.  
Spectatum satis & donatum jam rude, quæris,  
Mæcenas, iterum antiquo me includere ludo.  
Non eadem est etas, non mens. Vejanus, armis  
Herculis ad pœstem fixis, latet abditus agro:  
Ne populum extrema toties exoret arena.*

*Mæcenas*, you whose Name and Title grac'd  
My early Labours, and shall crown my last;  
Now, when I've long engag'd with wish'd Success,  
And, full of Fame, obtain'd my Writ of Ease;  
While sprightly Fancy fits with heavy Age,  
Again you'd bring me on the doubtful Stage.

Yet wise *Vejanius*, hanging up his Arms  
To *Hercules*, yon little Cottage farms ;  
Lest he be forc'd, if giddy Fortune turns,  
To cringe to the vile Rabble, whom he scorns.

The learned *Dacier*, in his Observation on this Place, acquaints us, That it was a Custom for all Persons, when they laid down any Art, or Employment, to consecrate the proper Instruments of their Calling, to the particular Deity, who was acknowledged the President of that Profession. And therefore the Gladiators, when thus discharged, hung up their Arms to *Hercules*; who had a Chapel by every Amphitheatre; and where there were no Amphitheatres, in the *Circo's*: And over every Place assigned to such manly Exercises, there stood a *Hercules* with his Club.

We may take Leave of the *Gladiators* with this excellent Passage of *Cicero*, which may serve in some Measure as an Apology for the Custom. *Crudele Gladiatorum spectaculum & inhumanum nonnullis videri solet: & haud scio an non ita sit, ut nunc sit: cum vero fontes ferro depugnabant, auribus fortasse multæ, oculis quidem nulla poterat esse fortior contra dolorem & mortem disciplina (a).* “ The Shows of *Gladiators* may possibly to some Persons seem barbarous and inhuman: And indeed, as the Case now stands, I cannot say that the Censure is unjust: But in those Times, when only guilty Persons composed the Number of Combatants, the Ear perhaps might receive many better Instructions; but it is impossible that any Thing, which affects our Eyes, should fortify us with more Success against the Assaults of Grief and Death.

(a) *Tuscul. Quest. 2.*

## C H A P. V.

*Of the LUDI SCENICI, or Theatrical Entertainments: And first of the Satires, and the Mimic-Pieces, with the Rise and Progress of such Entertainments among the ROMANS.*

THE *LUDI SCENICI*, or Theatrical Entertainments, have been commonly divided into four Species; Satire, Mimic, Tragedy, and Comedy. The elder *Scaliger* will have Satire to have proceeded from Tragedy, in the same Manner as the *Mimus* from Comedy: But we are assured this was in Use at *Rome*, long before the more perfect Drama's had gained a Place on the Stage. Nor has the same excellent Critic been more happy in tracing the Original of this Piece of Poetry as far as *Greece*: For we cannot suppose it to bear any Resemblance to the Chorus, or Dance of *Satires*, which used to appear in the Theatres at *Athens*, as an Appendage to some of their Tragedies, thence called *Satyrique*. This Kind of *Greek Farce* was taken up purely in the Characters of Mirth and Wantonness, not admitting those sarcastical Reflections, which were the very Essence of the *Roman Satire*. Therefore *Casaubon* and *Dacier*, without any Allusion to *Greece*, make no Doubt but that the Name is to be derived from *Satura*, a *Roman Word*, signifying *full*: The *u* being changed into an *i*; after the same Manner as *optumus* and *maxumus* were afterwards spelled *optimus* and *maximus*. *Satura*, being an Adjective, must be supposed to relate to the Substantive *Lanx*, a Dish, such as they filled yearly with all Sorts of Fruit, and offered to the Gods at their Festivals, as the *Primitiae*, or first Gatherings of the Season. Such an Expression might be well applied to this Kind of Poetry, which was full of various Matter, and written on different Subjects, and of this Manner of Writing there are many Instances; as particularly *per Saturam Sententias exquirere*, is used by *Sallust*, to signify the Way of voting in the Senate, when neither the Members were told, nor the Voices counted, but all gave their Suffrages promiscuously, and without observing any Order. And the *Historiae Sature*, or *per Saturum*, of *Festus*, were nothing else but miscellaneous Tracts of History. The Original of

of the *Roman Satire* will lead us into the Knowledge of the first, and rude Essays towards Dramatic Poetry, in the rustic Ages of *Rome*; for which we are beholden to the accurate Research of *Dacier*, and the Improvement of him by Mr. *Dryden*.

During the Space of almost four hundred Years from the Building of the City, the *Romans* had not any Acquaintance with the Entertainments on the Stage, Chance and Jollity first found out those Verses which they called *Saturnian*, because they supposed such to have been in Use under *Saturn*, and *Fescennine*, from *Fescennia*, a Town in *Tuscany*, where they were first practised. The Actors of these Pieces, with a gross and rustic Kind of Raillery, reproached one another *extempore* with their Failings; sometimes taking in those of the Audience. Something of this Custom was afterwards retained in their *Saturnalia*, or Feasts of *Saturn*, celebrated in *December*: At least all Kind of Freedom of Speech was then allowed to Slaves, even against their Masters: and we at this Day have some Imitation of it in our *Christmas Gambols*. We cannot have a better Conception of this rude and unpolished Kind of Farce, than by imagining a Company of Clowns on a Holiday dancing in their rustic Manner, and joking with each other satirically in *extempore Doggrel*, on their Defects and Vices, and the Stories that were told of them at their Places of Meeting.

This rude Kind of Poetry was used in the Place of Representations on the Stage, for the Space of an hundred and twenty Years: But then, when their Manners became somewhat improved, and they began to taste the first Rudiments of civil Conversation, they left these rude Notes for another Sort of Verse somewhat more polished, which was also filled with pleasant Raillery, but without any Mixture of Obscenity. This new Species of Poetry appeared under the Name of *Satire*, because of its Variety, and was adorned with Compositions of Music, and with Dances.

When *Livius Andronicus*, about the Year of *Rome* 514, had introduced the new Entertainments of Tragedy and Comedy, the People neglected and abandoned their old Diversion of Satires: But, not long after, they took them up again, and then joined them to their Comedies, exhibiting them at the End of the *Drama*; as the *French* continue at this Day to act their Farces in the Nature of a separate Representation from their Tragedies.

A Year after *Andronicus* had opened the *Roman Stage* with his new Drama's, *Ennius* was born ; who when he was grown to Man's Estate, having seriously considered the Genius of the People, and how eagerly they followed the first Satires, thought it would be worth his while to refine upon the Project, and to write Satires, not to be acted on the Theatre, but read. The Event was answerable to his Expectation, and his Design being improved by *Pacuvius*, adorned with a more graceful Turn by *Lucilius*, and advanced to its full Height by *Horace*, *Juvenal*, and *Persius*, grew into a distinct Species of Poetry, and has ever since met with a most kind Reception. To the same Original we owe the other Kind of Satire, called *Farronian*, from the learned *Varro*, who first composed it. This was written freely, without any Restraint to Verse or Prose, but consisted of an Intermixture of both ; of which Nature are the *Satyricon* of *Petronius*, *Seneca*'s mock Deification of the Emperor *Claudius*, and *Boethius*'s Consolations.

As for the *Mimus*, from μιμησθαι to imitate, *Scaliger* defines it to be, *a Poem imitating any Sort of Actions, so as to make them appear ridiculous* (a). The Original of it he refers to the Comedies, in which, when the Chorus went off the Stage, they were succeeded by a Sort of Actors, who diverted the Audience for some Time with distorted Postures, and antic Dances. They were not masked, but had their Faces besmeared with Soot, and dressed themselves in Lamb-Skins, which are called *Pescia* in the old Verses of the *Salii*. They wore Garlands of Ivy, and carried Baskets full of Herbs and Flowers in honour of *Bacchus*, as had been observed in the first Institution of the Custom at *Atbens*. They acted always bare-foot, and were thence called *Plani-pedes*.

These Diversions being received with universal Applause by the People, the Actors were encouraged to model them into a distinct Entertainment from the other Plays, and presented them by themselves. And perhaps it was not until now, that they undertook to write several Pieces of Poetry with the Name of *Mimi*, representing an imperfect Sort of *Drama*, not divided into Acts, and performed only by a single Person. These were a very frequent Entertainment of the *Roman Stage*, long after Tragedy and Comedy had been advanced to their full Height, and seemed to have always been very well received.

(a) *De Re Poet.* lib. 1 cap. 10.

The two most celebrated Mimics, or *Pantomimi*, as they were called were *Laberius* and *Publius*, both cotemporary to *Julius Cæsar*. *Laberius* was of the Equestrian Rank, and, at threescore Years of Age, acted mimic Pieces of his own composing, in Games which *Cæsar* presented to the People; for which he received a Reward of five hundred *Sestertia*, and a Gold Ring, and so recovered the Honour which he had forfeited by performing on the Stage (*a*). *Macrobius* has given us Part of a Prologue of this Author, wherein he seems to complain of the Obligations which *Cæsar* laid on him to appear in the Quality of an Actor, so contrary to his own Inclinations, and to the former Course of his Life. Some of them, which may serve for a Specimen of his Wit and Style, are as follow :

*Fortuna immoderata in bono æque atque in malo,  
Si tibi erat libitum literarum laudibus  
Floris cacumen nostræ famæ frangere,  
Cur, cum vigebam membris præviridantibus,  
Satisfacere populo & tali cum poteram viro,  
Non flexibilem me concurvasti ut carperes?  
Nunc me quo dejicis? Quid ad scenam affero?  
Decorum formæ, an dignitatem corporis?  
Animi virtutem, an vocis jucundæ sonum?  
Ut bedera serpens vires arboreas necat;  
Ita me vetustas amplexu annorum enecat.  
Sepulchri similis, nihil nisi nomen retinco.*

*Horace* indeed expressly taxes his Composures with Want of Elegance (*b*): But *Scaliger* (*c*) thinks the Censure to be very unjust; and that the Verses cited by *Macrobius* are much better than those of *Horace*, in which this Reflection is to be found.

There exists a sharp Repartee of the same *Laberius* upon *Tully*, when, upon receiving the Gold-ring from *Cæsar*, he went to resume his Seat among the Knights: They, out of a Principle of Honour, seemed very unwilling to receive him; *Cicero* particularly told him, as he passed by, that indeed he was squeezed up already himself. No Wonder (says *Laberius*) that you, who commonly make use of two Seats at once, fancy yourself squeezed up, when you sit like

(*a*) *Suet.* in *Jul.* cap. 39. *Macrobi.* *Saturn* lib. 2. cap. 7. (*b*) *Lib.* 1. *Sat.* 10. (*c*) *De Re Poet.* lib. 1. cap. 10.

other People. A severe Sarcasm on the Double-dealing of the Orator (*a*).

*Publius* was a *Syrian* by Birth, but received his Education at *Rome* in the Condition of a Slave. Having by several Specimens of Wit obtained his Freedom, he applied himself to write mimic Pieces, and acted them with wonderful Applause through *Italy*. At last, being brought to *Rome*, to bear a Part in *Cæsar's* Plays, he challenged all the Dramatic Writers and Actors, and won the Prize from them all, *La-berius* himself not excepted (*b*). A Collection of Sentences taken out of his Works is still extant. *Joseph Scaliger* gave them a very high Encomium, and thought it worth his while to turn them into *Greek*.

(*a*) *Macrob. Saturn.* lib. 2. cap. 7. (*b*) *Idem.* lib. 2. cap. 7.

## CHAP. V.

### *Of the ROMAN Tragedy and Comedy.*

THE *Roman* Tragedy and Comedy were wholly borrowed from the *Grecians*, and therefore do not so properly fall under the present Design: Yet in order to a right understanding of these Pieces, there is sufficient Matter for our Enquiry, without being obliged for it to *Athens*. The Parts of which a Play should consist, as agreed on by ancient and modern Writers, are these four: First, the *Pro-tasis*, or Entrance, which only gives Light to the Characters of the Persons, and proceeds very little to any Part of the Action. Secondly, the *Epitasis*, or working up of the Plot, where the Plot thickens; the Catastrophe is drawing on, and you perceive something promising what is to be given. Thirdly, the *Catastasis*, or, in a *Roman* Word, the *Status*, the Height and full Growth of the Play: This may properly be called the Counter-turn, which destroys that Expectation, embroils the Action in new Difficulties, and leaves us far distant from that Hope in which it found us. Lastly, the *Catastrophe*, or *Adic*, the Discovery, or unravelling of the Plot. Here we see all Things settling again on their first Foundations; and the Obstacles which hindred the Design or

or Action of the Play removed, it ends with that Resemblance of Truth and Nature which constitutes the Merit of such Pieces (a). It is a Question whether the first *Roman Drama's* were divided into A&ts; or at least it seems probable, that those were not admitted into Comedy, until after it had lost its Chorus, and so stood in need of some more necessary Divisions than could be made by the Music only. Yet the five Acts were so fully established in the Time of *Horace*, that he gives it for a Rule. *Ars Poet.* 189.

*Neve minor, neu sit quinto productior actu  
Fabula.*

The Distinction of the Scenes seems to have been an Invention of the Grammarians, and is not to be found in the old Copies of *Plautus* and *Terence*; and therefore these are wholly left out in the late excellent *French* and *English* Translations.

The *Drama's* presented at *Rome*, were divided in general into *Palliatæ* and *Togatæ*, *Græcian*, and properly *Roman*. In the former, the Plot being laid in *Greece*, the Actors were habited according to the Custom of that Country; in the other, the Persons were supposed to be *Romans*. But then the Comedies properly *Roman* were of several Sorts: *Prætextatæ*, when the Actors were supposed to be Persons of Quality, such as had the Liberty of wearing the *Prætexta*, or Purple Gown: *Tabernariæ*, when the *Tabernæ*, low ordinary Buildings, were expressed in the Scenes, the Persons being of the lower Rank. *Suetonius* (b) informs us, that *C. Melissus*, in the Time of *Augustus*, introduced a new Sort of *Togatæ*, which he called *Trabeatæ*. Monsieur *Dacier* is of Opinion, that they were wholly taken up in Matters relating to the Camp, and that the Persons represented were some of the chief Officers (c): For the *Trabea* was the proper Habit of the Consul, when he set out on an Expedition. There was a Species of Comedy different from both these, and more inclining to Farce, which they called *Atellana* from *Atella*, a Town of the *Oscians* in *Campania*, where it was first invented. The chief Design of it was Mirth and Jesting, (though sometimes with a Mixture of Debauchery, and lascivious Postures;) and therefore the Actors were not reckoned among *Histriones*, or common Players, but kept the Benefit of their Tribe, and might be enlisted for Soldiers, a Privilege

(a) *Mr. Dryden's Dramat. Essay.* (b) *De Claris Grammat.* 21. (c) *Not. on Horace's Art. Poet.*

allowed only to Freemen. Sometimes perhaps the *Atellanæ* were presented between the Acts of other Comedies, by Way of *Exodium*, or Interlude: As we meet with *Exodium Atellanum in Suetonius* (a).

Though all the Rules by which the *Drama* is practised at this Day, either those which relate to the Justness and Symmetry of the Plot, or the Episodical Ornaments, such as Descriptions, Narrations, and other Beauties not essential to the Play, were delivered to us by the Antients, and the Judgments which we make, of all Performances of this Kind, are guided by their Examples and Directions; yet there are several Things belonging to the old Dramatic Pieces, which not being essential, have been long disused. Of this Sort we may mention, as particularly worth our Observation, the Buskin and the Sock, the Masques, the Chorus, and the Flutes.

The *Cotburnus* and the *Soccus* were such eminent Marks of Distinction between the old Tragedy and Comedy, that they were brought not only to signify those distinct Species of Dramatic Poetry, but to express the sublime and the humble Style in any other Composition: As *Martial* calls *Virgil Cotburnatus*, though he never wrote Tragedy.

*Grande Cotburnati pone Maronis opus.*

This *Cotburnus* is thought to have been a high Sort of Boot, which made the Actors appear above the ordinary Size of Mortals, such as they supposed the old Heroes to have generally been; and at the same Time, allowing them to move but slowly, was well accommodated to the State and Gravity which Subjects of that Nature required. Yet it is plain they were not in use only on the Stage; for *Virgil* brings in the Goddess *Venus* in the Habit of a *Tyrian* Maid, telling *Aeneas*, i. 340.

*Virginilus Tyriis moss est gestare pharetras,  
Purpureoque alte furas vincire cotburno.*

From which it appears, that the Hunters sometimes wore Buskins to secure their Legs: But then we must suppose them to be much lighter and better contrived than the other, that they might not prevent the Swiftnes and Agility re-

(a) *Tiber.* 43.

quired in that Sport. The Women in some Parts of *Italy* still wear a Sort of Shoes, or rather Stilts, somewhat like these Buskins, which they call *Cioppini*: *Laffels* informs us, that he had seen them at *Venice* a full half-yard High.

The *Soccus* was a slight Kind of Covering for the Feet, whence the Fashion and Name of our Socks are derived. The *Comedians* wore those, to represent the Vility of the Persons they represented; as debauched young Sparks, old crazy Misers, Pimps, Parasites, Strumpets, and the like; for the Sock being proper to the Women, as it was very light and thin, was always counted scandalous when worn by Men. Thus *Seneca* (*a*) exclaims against *Caligula* for fitting to judge upon Life and Death in a rich Pair of Socks, adorned with Gold and Silver.

Another Reason why they were used by the Actors of Comedy, might be, because they were the fittest for Dancing. Thus *Catullus* invokes *Hymen* the Patron of Weddings: lxi. 9.

*Huc veni nivco gerens  
Luteum pede soccum,  
Excitusque hilari die,  
Nuptialia concinens  
Voce carmina tinnula,  
Pelle humum pedibus*—

The *Persona*, or Mask, *A. Gellius* (*b*) derives (according to an old Author) from *Persono*, to sound loud; because these Wizards being put over the Face, and left open at the Mouth, rendered the Voice much fuller, by contracting it into a lesser Compas. But *Scaliger* will not allow of this Conjecture. However the Reason of it (which is all that concerns us at present) appears from all the old Figures of the Masks, in which we find always a very large wide Hole designed for the Mouth. Madam *Dacier*, who met with the Draughts of the comic Wizards in a very old Manuscript of *Terence*, informs us, that they were not like ours, which cover only the Face; but that they came over the whole Head, and had always Hair fastened on them, proper to the Person whom they were to represent.

The Original of the Mask is referred by *Horace* to *Aeschylus*; whereas before, the Actors had no other Disguise,

(*a*) *Benefic.* lib. ii. cap. 12. (*b*) *Nat.* lib. v. cap. 7.

but to smear over their Faces with odd Colours; and yet this was suitable enough, when their Stage was no better than a Cart.

*Ignotum Tragicæ genus invenisse Camænæ  
Dicitur, & plausiis vexisse Poemata Thespis :  
Quæ cancrent agerentque per uncti fæcibus ora.  
Post hunc personæ pallæque repertor honestæ  
Æschylus, & modicis instravit pulpita tignis ;  
Et docuit magnumque loqui, nitique Cotburno.* Ars Poet. 175.

When *Thespis* first exposed the Tragic Muse,  
Rude were the Actors, and a Cart the Scene ;  
Where ghastly Faces, stain'd with Lees of Wine,  
Frighted the Children, and amus'd the Crowd.  
This *Æschylus* (with Indignation) saw,  
And built a Stage ; found out a decent Dress ;  
Brought Wizards in, (a civiler Disguise ;)  
And taught Men how to speak, and how to act.

Roscommon.

The *Chorus*, *Hedelin* defines to be a Company of Actors, representing the Assembly or Body of those Persons, who either were present, or probably might be so, at the Place where the Business was supposed to be transacted. This is exactly observed in the four Grecian Dramatic Poets, *Æschylus*, *Sophocles*, *Euripides* and *Aristophanes*: But the only Latin Tragedies which remain under the Name of *Seneca*, as they are faulty in many Respects, so particularly are they in the *Chorus's*; for sometimes they hear all that is said upon the Stage, see all that is done, and speak very properly to all ; at other Times one would think they were blind, deaf, or dumb. In many of these *Drama's*, one can hardly tell whom they represent, how they were dressed, the Occasion of their appearing on the Stage, or why they are of one Sex more than of another. Indeed the Verses are fine, full of Thought, and over-loaded with Conceit ; but may in most Places be very well spared, without spoiling any Thing either in the Sense or the Representation of the Poem. Besides, the *Thebais* has no *Chorus* at all ; which may give us Occasion to doubt of what *Scaliger* affirms so positively, that Tragedy was never without *Chorus's*. For it seems probable enough, that in the Time of the debauched and loose Emperors, when Mimics and Buffoons came in for Interludes to Tragedy as well as Comedy, the *Chorus* ceased by Degrees to be a Part of the Dramatic

Dramatic Poem, and dwindled into a Troop of Musicians and Dancers, who marked the Intervals between the Acts.

'The Office of the *Chorus* is thus excellently described by *Horace*: De Art. Poet. 193.

*Actoris partes Chorus officiumque virile  
Defendat : neu quid medios intercinat actus,  
Quod non proposito conducat & hæreat apte.  
Ille bonis faveatque & concilietur amicis,  
Et regat iratos, & amet peccare timentes ;  
Ille dapes laudet mensæ brevis ; ille salubrem  
Fusitiam, legesque & apertis otia portis :  
Ille tegat commissa ; deosque precetur & oret,  
Ut redeat miscris, abeat fortuna superbis.*

A *Chorus* should supply what Action wants,  
And has a generous and manly Part ;  
Bridles wild Rage, loves rigid Honesty,  
And strict Observance of impartial Laws,  
Sobriety, Security, and Peace ;  
And begs the Gods to turn bright Fortune's Wheel,  
To raise the Wretched, and pull down the Proud :  
But nothing must be sung between the Acts  
But what some Way conduces to the Plot.

Roscommon.

This Account is chiefly to be understood of the *Chorus* of Tragedies: Yet the old Comedies, we are assured, had their *Chorus*'s too, as appears in *Aristophanes*; where, besides those composed of ordinary Persons, we meet with one of Clouds, another of Frogs, and a third of Wasps ; but all very conformable to the Nature of the Subject, and extremely grotesque.

It would be foreign to our present Purpose, to trace the Original of the *Chorus*, and to shew how it was regulated by *Thespis*, (generally honoured with the Title of the first Tragedian;) whereas before it was nothing else but a Company of Musicians singing and dancing in Honour of *Bacchus*. It may be more useful to observe how it came, after some Time, to be left out in Comedy, as in that of the *Romans*. *Horace* says it was occasioned by the Malignity and satirical Humour of the Poets ; for they made the *Chorus*'s abuse

People so severely, and openly that the Magistrates were obliged to forbid them. De Art. Poet. 283.

— — — — — *Chorusque*  
*Turpiter obticuit, sublato jure nocendi.*

But perhaps, if the Rules of Probability had not seconded this Prohibition, the Poets would have preserved their *Chorus*, reforming the Scurrility of it. Therefore a farther Reason may be offered for this Alteration. Comedy took its Model and Constitution from Tragedy; and when the Abuse of living Persons was prohibited, they invented new Subjects, which they formed on the Rules of Tragedy; but as they were under the necessity to paint the Actions of the Vulgar, and consequently confined to mean Events, they generally chose the Place of their Scene in some Street, before the Houses of those whom they supposed were concerned in the Plot: Now it was not very likely that there should be such a Company in those Places, managing an Intrigue of inconsiderable Persons from Morning until Night. Thus Comedy of itself let fall the *Chorus*, which it could not preserve with any Probability.

The *Tibiae*, or Flutes, are as little understood as any particular Subject of Antiquity; and yet without the Knowledge of them we can make nothing of the Titles prefixed to Terence's Comedies. *Horace* gives us no farther Light into this Matter, than by observing the Difference between the small rural Pipe, and the larger and louder Flute, afterwards brought into Use: However, his Account is not to be omitted: Ars Poet. 202.

*Tibia non, ut nunc, orichalco vincita, tubaque  
Æmula; sed tenuis simplexque foramine paucos,  
Adspirare, & adesse chorus erat utilis, atque  
Nondum spissa nimis complere sedilia flatu:  
Quo sane populus numerabilis, utpote parvus,  
Et frugi, castusque, verecundusque coibat.  
Postquam cœpit agros extendere victor, & urbem  
Latior amplecti murus, vinsque diurno  
Placari Genius festis impune dicibus;  
Accedit numerisque modisque licentia major.  
Indocetus quid enim saceret, liberque laborum  
Rusticus, urbano confusus, turpis honesto?*

Sic

*Sic prisca motumque & luxuriam addidit arti  
Tibicen, traxitque vagus per pulpita vestem.*

First the shrill Sound of a small rural Pipe  
(Not loud like Trumpets, nor adorn'd as now)  
Was Entertainment for the Infant Stage,  
And pleas'd the thin and bashful Audience  
Of our well-meaning frugal Ancestors.  
But, when our Walls and Limits were enlarg'd,  
And Men (grown wanton by Prosperity)  
Studied new Arts of Luxury and Ease,  
The Verse, the Music, and the Scenes improv'd ;  
For how should Ignorance be Judge of Wit ?  
Or Men of Senie applaud the Jests of Fools ?  
Then came rich Clothes and graceful Action in,  
And Instruments were taught more moving Notes.

Roscommon.

This Relation, though very excellent, cannot obviate the main Difficulty ; and that is, to give the proper Distinction of the Flutes, according to the several Names under which we find them ; as the *Pares* and *Impares*, the *Dextræ* and *Sinistræ*, the *Lydiæ*, the *Sarranæ*, and the *Pbrygiz*. Most of the eminent Critics have made some Essays towards the clearing of this Subject, particularly *Scaliger*, *Aldus Manutius*, *Salmasius*, and *Tanaquillus Faber* ; from whose Collections, and her own admirable Judgment, Madam *Dacier* has lately given us a very rational Account of the Matter. The Performers (says she) played always on two Flutes the whole Time of the Comedy : That, which they stopped with their Right-hand, was on that Account called Right-handed : and that which they stopped with their Left, Left-handed : The first had but a few Holes, and sounded a deep Base ; the other had a great Number, and gave a shriller and sharper Note. When the Musicians play'd on two Flutes of different Sounds, they used to say the Piece was played *Tibiis imparibus*, with unequal Flutes, or *Tibiis dextris & sinistris*, with right and left-handed Flutes. When they play'd on two Flutes of the same Sound, they used to say the Music was performed *Tibiis paribus dextris*, on equal right-handed Flutes, if they were of the deeper Sort ; or else *Tibiis paribus sinistris*, on equal left-handed Flutes, if they were those of the shriller Tone.

Two equal right-handed Flutes they called *Lydian*; two equal left-handed ones, *Sarranæ*, or *Tyrian*; two unequal Flutes, *Pbrygian*, as being Imitations of the Music of those Countries: The last Sort *Virgil* expressly attributes to the *Pbrygians*, *Æneid* ix. 618.

*O vere Pbrygiae, neque enim Pbryges! ite per alta  
Dindyma, ubi affuetis bisorem dat Tibia cantum.*

Where, by *bisorem cantum*, the Commentators understand a double Sound, such as was made by two different Pipes, one flat, and the other sharp.

The Title of *Terence's Andria* cannot be made out according to this Explanation, unless we suppose (as there is very good Reason) that the Music sometimes changed in the acting of a Play, and at the proper Intervals two right-handed or two left-handed Flutes might be used.

Our late ingenious Translators of *Terence* are of a different Opinion from the French Lady, when they render *Tibiis paribus dextris & sinistris, two equal Flutes, the one right-handed, and the other left-handed*; whereas the Music should seem rather to have been performed all along on two equal Flutes, sometimes on two right-handed, and sometimes on two left-handed.

Old *Donatus* would have us believe, that the right-handed or *Lydian* Flutes denoted the more serious Matter and Language of the Comedy; that the left-handed, or *Sarranæ*, were proper to express the lightness of a more jocose Style; and that, when a right-handed Flute was joined with a left-handed, it gave us to understand the Mixture of Gravity and Mirth in the same Play. But since the Title of the *Heautontimoroumenos*, or *Self-tormenter*, informs us, that the Music was performed the first Time of acting on unequal Flutes, and the second Time on right-handed Flutes, we cannot agree with the old Scholiast, without supposing the same Play at one Time to be partly serious, and partly merry, and at another Time to be wholly of the graver Sort; which would be ridiculous. Therefore the ingenious Lady happily advanceth a very fair Opinion, that the Music was not guided by the Subject of the Play, but by the Occasion on which it was presented. Thus in the Pieces which were acted at Funeral Solemnities, the Music was performed on two right-handed Flutes, as the most grave and melancholy:

choly : In those acted on any joyful Occasion, the Music consisted of two left-handed Flutes, as the briskest and most lively : But in the great Festivals of the Gods, which participated of an equal Share of Mirth and Religion, the Music in the Comedies was performed with unequal Flutes, the one right-handed, and the other left-handed ; or else by Turns, sometimes on two right-handed Flutes, and sometimes on two left-handed, as may be judged of *Terence's* fair *Andrian*.

If any thing more deserves our Notice in Relation to the *Roman Drama's*, it is the remarkable Difference between their Actors and those of *Greece*. For at *Athens* the Actors were generally Persons of good Birth and Education, for the most Part Orators or Poets of the first Rank. Sometimes we find Kings themselves performing on the Theatres ; and *Cornelius Nepos* assures us, that to appear on the public Stage was not in the least injurious to any Man's Character or rank (*a*).

But in *Rome* we meet with a quite contrary Practice : For the *Histriones* (so called from *Hister*, signifying a Player in the Language of the *Tuscans*, from whom they were first brought to *Rome* to appease the Gods in Time of a Plague) were the most scandalous Company imaginable ; none of that Profession being allowed the Privilege to belong to any Tribe, or ranked any higher than the Slaves. However, if any of them happened at the same Time to be excellent Performers and Men of good Morals, they seldom failed of the Esteem and Respect of the chief Persons in the Commonwealth. This is evident from the Account we have in History of the admirable *Roscius*, of whom *Tully*, his familiar Friend, has left this lasting Commendation : *Cum artifex ejusmodi sit, ut solus dignus videatur esse, qui in Scena spectetur ; tum vir ejusmodi ut est solus dignus videatur qui eo non accedat* (*b*). So accomplished a Performer, that he excelled all those who had Abilities for the Stage ; and yet at the same Time so excellent a Man in all other Respects, that he seemed the only Person who should not take up that Profession.

(*a*) *In Praefat. Vit.*

(*b*) *Pro Quint.*

## C H A P. VII.

*Of the Sacred, Votive, and Funeral Games.*

**T**HE sacred Games, which were instituted in Honour of their several Deities, are divided into many Kinds, which are frequently mentioned in History of which shall be given the following short Description.

The *LUDI MEGALENSES* were instituted in Honour of the great Goddess, or the Mother of the Gods, when her Statue was brought with so much Pomp from *Pessum* to *Rome*. They consisted only of Scenical Sports, and were a solemn Time of Invitation to Entertainments among Friends. In the solemn Procession the Women danced before the Image of the Goddess; and the Magistrates appeared in their Robes; whence came the Phrase of *Purpura Megalensis*, They lasted six Days, from the Day before the Nones of *April*, to the Ides. At first they seem to have been called the *Megalensia*, from *μεγας*, *great*, and afterwards to have lost the *n*; since we find them more frequently under the Name of *Megalesia*. It is particularly remarkable in these Games, that no Servant was allowed to bear a Part in the Celebration.

The *LUDI CEREALES* were instituted in Honour of *Ceres*, and borrowed from *Eleusis* in *Greece*. In these Games the Matrons represented the Grief of *Ceres*, after she had lost her Daughter *Proserpine*, and her Travels to find her again. They were held from the Day before the *Ides of April*, eight Days together in the *Circus*; where, besides the Combats of Horsemen, and other Diversions, was led up the *Pompa Circensis*, or *Cerealis*, consisting of a solemn Procession of the Persons that were to engage in the Exercises, accompanied by the Magistrates and Ladies of Quality; the Statues of the Gods, and of famous Men, being carried in State on Waggons, which they called *Thensa*.

*LUDI FLORA LES*, sacred to *Flora*, and celebrated (upon Advice of the *Sibylline Oracles*) every Spring, to beg a Blessing on the Grafs, Trees, and Flowers. Most have been of Opinion that they owed their Original to a famous Courtezan who, having gained a great Estate, left the Commonwealth

wealth her Heir, with this Injunction, that every Year they should celebrate her birth Day with public Sports. The Magistrates, to avoid such a Scandal, and at the same Time keep their Promise, held the Games on the Day appointed, but pretended that it was done in the Honour of a new Goddess, the Patroness of Flowers. Whether this Conjecture be true or no, we are certain that chief Part of the Solemnity was conducted in a very indecent manner. Yet, the wisest and gravest *Romans* were not for discontinuing this Custom, though so contrary to their own Practice: For *Portius Cato*, when he was present at these Games, and saw the People ashamed to let the Ceremony go on while he was there, immediately went out of the Theatre, that the Show might have its Course (*a*). Learned Men are now agreed, that the vulgar Notion of *Flora*, is purely a Fiction of *Lactantius*, from whom it was taken. *Flora* appears to have been a *Sabine Goddess*; and the *Ludi Floralia* to have been instituted *A. U. C. 613*, with the Fines of many Persons then convicted of the *Crimen Peculatus*, for appropriating to themselves the public Land of the State (*b*).

*LUDI MARTIALES*, instituted to the Honour of *Mars*, and held twice in the Year, on the 4th of the Ides of *May*, and again on the Kalends of *August*, the Day on which his Temple was consecrated. They had no particular Ceremonies that we can meet with, besides the ordinary Sports in the *Circus*, and Amphitheatre.

*LUDI APOLLINARES*, celebrated in Honour of *Apollo*. They owe their Origin to an old prophetical Sort of a Poem casually found, in which the *Romans* were advised, that, if they desired to drive out the Enemies which infested their Borders, they should institute yearly Games to *Apollo*, and at the Time of their Celebration make a Collection out of the public and private Funds, for a Present to the God; appointing ten Men to take Care they were held with the same Ceremonies as in *Greece* (*c*). *Macrobius* relates, that the first Time these Games were kept, an Alarm being given by the Enemy, the People immediately marched out against them, and, during the Fight, saw a Cloud of Arrows discharged from the Sky on the adverse

(*a*) *Valer. Maxim.* lib. 2. cap. 5.      (*b*) *E. d. Grav. Prefat ad 1 Terr. Thesaur. A. R.*      (*c*) *Liv. lib. 24.*

Troops, so as to put them into a very disorderly Flight, and secured the Victory to the *Romans* (a). The People sat to see the *Circenian* Plays, crowned with Laurel; the Gates were set open, and the Day kept sacred with all Manner of Ceremonies. These Games at first were not fixed, but kept every Year upon what Day the *Prætor* thought fit; till about the Year of the City 545, a Law passed to settle them for ever on a constant Day, which was near the Nones of *July*. This Alteration was occasioned by a grievous Plague then raging in *Rome*, which they thought might in some Measure be allayed by that Act of Religion (b).

*LUDI CAPITOLINI*, instituted to the Honour of *Jupiter Capitolinus*, upon the Account of preserving his Temple from the *Gauls*. A more famous Sort of *Capitoline* Games were brought up by *Domitian*, to be held every five Years, with the Name of *Agones Capitolini*, in imitation of the *Græcians*. In these, Professors of all Sorts had a public Contention, and the Victors were crowned, and presented with Collars, and other Marks of Honour.

*LUDI ROMANI*, the most antient Games, instituted at the first building of the *Circus* by *Tarquinius Priscus*. Hence in a strict Sense, *Ludi Circenses* are often used to signify the same solemnity. They were instituted in Honour of the three great Deities, *Jupiter*, *Juno*, and *Minerva*. It is worth observing, that though they were usually called *Circenses*, yet in *Livy* we meet with the *Ludi Romani Scenici* (c), intimating that they were celebrated with new Sports. The old *Fasti* make them to be kept nine Days together, from the Day before the Nones, to the Day before the Ides of *September*: In which too we find another Sort of *Ludi Romani*, celebrated five Days together, within two Days after these. *P. Manutius* thinks the last to have been instituted very late, not till after the Prosecution of *Verres* by *Cicero* (d).

*LUDI CONSUALES*, instituted by *Romulus*, with Design to surprise the *Sabine* Virgins; the Account of which is thus given us by *Plutarch*. “ He gave out that he had found an Altar of a certain God hid under Ground; the God they called *Consus*, the God of Counsel: This is properly *Neptune*, the Inventor of Horse-riding for the Altar is kept covered in the great *Circus*; only at Horse-races, then it appears to public View; and some say

(a) *Saturn lib. 1. cap. 17.* (b) *Liv. 25.* (c) *Liv. lib. 3.* (d) *Manut. in Verrin.*

“ it was not without Reason, that this God had his Altar  
 “ hid under Ground, because all Counsels ought to be se-  
 “ cret and concealed. Upon Discovery of this Altar, *Ro-*  
*mulus*, by Proclamation, appointed a Day for a splendid  
 “ Sacrifice, and for public Games and Shows to entertain  
 “ all Sorts of People; and many flocked thither; he  
 “ himself sat uppermost, among his Nobles, clad in Pur-  
 “ ple. Now the Sign of their falling on was to be, when-  
 “ ever he arose and gathered up his Robe, and threw it  
 “ over his Body: His Men stood all ready armed, with  
 “ their Eyes intent upon him; and when the Sign was giv-  
 “ en, drawing their Swords, and falling on with a great  
 “ Shout, bore away the Daughters of the *Sabines*, without  
 “ any Hindrance.” These Games were celebrated yearly  
 on the twelfth of the Kalends of *September*, consisting for  
 the most Part of Horse-Races, and Encounters in the *Circus*.

*LUDI COMPITALITII*, so called from the *Com-*  
*pita*, or Cross-Lanes, where they were instituted and cele-  
 brated by the rude Multitude that was got together, before  
 the Building of *Rome*. they seem to have been neglected  
 for many Years, till *Servius Tullius* revived them. They  
 were held during the *Compitalia*, or Feasts of the *Lares*, who  
 presided as well over Streets as Houses. *Suetonius* tells us,  
 that *Augustus* ordered the *Lares* to be crowned twice a Year  
 at the *Compitalian* Games, with Spring-Flowers and Sum-  
 mer-Flowers (*a*). This crowning the Household-Gods, and  
 offering Sacrifices in different Parts of the Streets, made the  
 greatest Part of the Solemnity of the Feast.

*LUDI AUGUSTALES* and *PALATINI*, both instituted to  
 the Honour of *Augustus*, after he had been enrolled in the  
 Number of the Gods; the former by the common Consent  
 of the People, and the other by his Wife *Livia*, which were  
 always celebrated in the Palace (*b*). They were both con-  
 tinued by the succeeding Emperors.

*LUDI SÆCULARES*, the most remarkable Games that  
 we meet with in the *Roman Story*. The common Opinion  
 makes them to have had a very odd Original, of which we  
 have a tedious Relation in *Valerius Maximus* (*c*) of the An-  
 tients, and *Angelus Politianus* (*d*) of the Moderns, Monsieur  
*Dacier*, in his excellent Remarks on the secular Poem of  
*Horace*, passes by this old Conceit as trivial and fabulous,  
 and assures us, that we need go no farther for the Rise of

(*a*) *Aug.* cap. 32.    (*b*) *Dio.* lib. 56. *Sueton.* *Calig.* 56.    (*c*) Lib. 2  
 cap. 4.    (*d*) *Miscellan.* cap. 58.

the Custom, than to the *Sibylline Oracles*, for which the Romans had so great a Veneration.

In these sacred Writings, there was one famous Prophecy to this Effect; That, if the Romans, at the Beginning of every Age, should hold solemn Games in the *Campus Martius*, to the Honour of *Pluto*, *Proserpine*, *Juno*, *Apollo*, *Diana*, *Ceres*, and the *Parcae*, or three fatal Sisters, their City shoud ever flourish, and all Nations be subjected to their Dominion. They were very ready to obey the Oracle, and, in all the Ceremonies used on that Occasion, conformed themselves to its Directions. The whole Manner of the Solemnity was as follows: In the first Place, the Heralds received Orders to make a general Invitation of the whole World, to a *Feast the like of which they had never seen, and shoud never see again*. Some few Days before the Beginning of the Games, the *Quindecimviri*, taking their Seats in the Capitol, and in the *Palatine Temple*, distributed among the People purifying Compositions, as Flambeaus, Brimstone, and Sulphur. From hence the People passed on to *Diana's Temple* on the *Aventine Mountain*, carrying Wheat, Barley, and Beans, as an Offering; and after this they spent whole Nights in Devotion to the Destinies. At length, when the Time of the Games was come, which continued three Days and three Nights, the People assembled in the *Campus Martius*, and sacrificed to *Jupiter*, *Juno*, *Apollo*, *Latona*, *Diana*, the *Parcae*, *Ceres*, *Pluto*, and *Proserpine*. On the first Night of the Feast, the Emperor, accompanied by the *Quindecimviri*, commanded three Altars to be raised on the Bank of *Tiber*, which they sprinkled with the Blood of three Lambs, and then proceeded to burn the Offerings and the Victims. After this they marked out a Space which served for a *Theatre*, being illuminated by an innumerable Multitude of Flambeaus and Fires; here they sung some Hymns composed for the Occasion, and celebrated all Kinds of Sports. On the Day after, when they had been at the Capitol to offer the Victims, they returned to the *Campus Martius*, and held Sports to the Honour of *Apollo* and *Diana*. These lasted till the next Day, when the noble Matrens, at the Hour appointed by the Oracle, went to the Capitol to sing Hymns to *Jupiter*. On the third Day, which concluded the Feast, twenty-seven young Boys, and as many Girls, sung in the Temple of *Palatine Apollo*, Hymns and Verses in *Greek* and *Latin*, to recommend the City to the Protection of those Deities whom they designed particularly to honour by their Sacrifices.

The

The famous secular Poem of *Horace* was composed for this last Day, in the secular Games held by *Augustus*. *Dacier* has given his Judgment on this Poem, as the Master-piece of *Horace*; and believes that all Antiquity cannot furnish us with any Thing more happily complete.

There has been much Controversy, whether these Games were celebrated every hundred, or every hundred and ten Years. For the former Opinion, *Censorinus* (a) alledges the Testimony of *Valerius Antias*, *Varro*, and *Livy*; and this was certainly the Space of Time which the *Romans* called *Sæculum*, or an Age. For the latter he produceth the Authority of the Registers, or Commentaries of the *Quindecimviri*, and the Edicts of *Augustus*, besides the plain Evidence of *Horace* in his secular Poem; 21.

*Certas undenos decies per annos, &c.*

This last Space is expressly enjoined by the *Sibylline Oracle* itself; the Verses of which, relating to this Purpose, are transcribed by *Zosimus* in the second Book of his History.

Ἄλλος ἀν μῆνις θεοῖς χρόνοις ἀνθεώπουσι  
Ζωῆς, εἰς ἐτέων ἑκατὸν δέκα κύκλον οὐδείων, &c.

Yet according to the antient Accounts we have of their Celebration in the several Ages, neither of these Periods are much regarded.

The first were held *A. U. C.* 245, or 298.

The second *A.* 330, or 408.

The third *A.* 518.

The fourth either *A.* 605. or 608, or 628.

The fifth by *Augustus*, *A.* 736.

The sixth by *Claudius*, *A.* 800.

The seventh by *Domitian*, 841.

The eighth by *Severus*, *A.* 957.

The ninth by *Philip*, *A.* 1000.

The tenth by *Honorius*, *A.* 1157.

This Disorder, without Question, was owing to the Ambition of the Emperors, who were extremely desirous to have the Honour of celebrating these Games in their Reign; and therefore, upon the slightest Pretence many Times, made them return before their ordinary Course. Thus *Claudius* pretended that *Augustus* had held the Games before their due Time, that he might have an Excuse for keeping

them within sixty-four Years afterwards. On which Account, *Suetonius* tells us, that the People laughed at the Criers, when they went about proclaiming Games that no Body had ever seen, nor would see again; whereas there were not only many Persons alive who remembered the Games of *Augustus*, but several Players, who had acted in those Games, were now again brought on the Stage by *Claudius* (*a*).

What Part of the Year the secular Games were celebrated in, is uncertain; probably in the Times of the Commonwealth, on the Days of the Nativity of the City, *i. e.* the 9, 10, 11 *Kal. Maii*; but under the Emperors, on the Day when they came to their Power (*b*).

We may conclude our Enquiry into this celebrated Subject, with two excellent Remarks of the *French* Critic. The first is, that in the Number three, so much regarded in these Games, they had probably an Allusion to the Triplcity of *Pbæbus*, of *Diana*, and of the Destinies.

The other Observation, which he obliges us with, is, that they thought the Girls which had the Honour to bear a Part in singing the secular Poem, should be the soonest married. This Superstition they borrowed from the Theology of the *Græcians*, who imagined that the Children, who did not sing and dance at the Coming of *Apollo*, should never be married, and should certainly die young. To this Purpose *Callimachus*, in his Hymn to *Apollo*:

Μήτε σιωπηλὴν κιθαρίν, μήτ' ἀφορνὶχιΘ·  
Τὰ φοῖβα τὰς παιᾶς ἔχειν ἐπιδημήσανθ·,  
Εἰ τελέειν μέλλεισι γῆμαν, πωλ.τὸν τε μερεῖσθαι·

And *Horace*, encouraging the *Chorus* of Girls to do their best in singing the secular Poem, tells them how proud they would be of it, when they were well married.

*Nupta jam dices : Ego diis amicum,*  
*Sæculo festas referente luces,*  
*Reddidi carmen, docilis modorum*

*Vatis Horati. Lib. iv. Od. 6.*

All those Games, of what Sort soever, had the common Name of *Votivi*, which were the Effect of any Vow made by the Magistrates or Generals, when they set out on an Expedition, to be performed if they returned successful.

(a) *Sueton. Claud.* 21.

(b) *Mr. Walker of Coins*, p. 168.

These were sometimes occasioned by Advice of the *Sibylline* Oracles, or of the Southsayers; and many Times proceeded purely from a Principle of Devotion and Piety in the Generals. Such particularly were the *Ludi Magni*, often mentioned in Historians, especially by *Livy*. Thus he informs us, That in the Year of the City 536, *Fabius Maximus* the Dictator, to appease the Anger of the Gods, and to obtain Success against the *Carthaginian* Power, upon the Direction of the *Sibylline* Oracles, vowed the *Great Games* to *Jupiter*, with a prodigious Sum to be expended at them; besides three hundred Oxen to be sacrificed to *Jupiter*, and several others to the rest of the Deities (a). *M. Acilius* the Consul did the same in the War against *Antiochus* (b). And we have some Examples of these Games being made *Quinquennial*, or to return every five Years (c). They were celebrated with *Circenian* Sports four Days together (d).

To this Head we may refer the

*Ludi Victoriae*, mentioned by *Vell. Paternius* (e), and *Afconius* (f): They were instituted by *Sylla*, upon his concluding the Civil War. It seems probable, that there were many other Games with the same Title, celebrated on Account of some remarkable Success, by several of the Emperors.

The *Ludi Quinquennales* instituted by *Augustus Cæsar* after his Victory against *Antony*; which he resolved to hand down as famous to succeeding ages, he built the City *Nicopolis*, near *Aëtium*, the Place of Battle, on Purpose to hold these Games; when they are often called *Ludi Aëtiaci*. They consisted of Shows of Gladiators, Wrestlers, and other Exercises, and were kept as well at *Rome* as at *Nicopolis*. The proper Curators of them were the four Colleges of Priests, the *Pontifices*, the *Augurs*, the *Septemviri* and *Quindecimviri*.

*Virgil*, in Allusion to this Custom, when he brings his Hero to the Promontory of *Aëtium*, makes him hold solemn Games, with the Lustrations and Sacrifices used on that Occasion by the Romans.

*Lustramurque Jovi, votisque incendimus aras;*

*Actaque Iliacis celebramus littora Ludis.* *AEn.* iii. 279.

*Nero*, after the Manner of the *Grecians*, instituted *Quinquennial* Games, at which the most celebrated Masters of Music, Horse-racing, Wrestling, &c. disputed for the Prize (g).

(a) *Liv.* lib. 22. (b) *Idem.* lib. 36. (c) *Liv.* lib. 27. & lib. 30. (d) *Ibid.*  
(e) Lib. cap. 27. (f) *In Verrin.* 2. (g) *Sueton. Ner.* 12.

The same Exercises were performed in the *Quinquennial Games of Domitian*, dedicated to *Jupiter Capitolinus*; together with the Contentions of Orators and Poets (*a*); at which the famous *Statius* had once the ill Fortune to lose the Prize; as he complains several Times in his Miscellaneous Poems.

*Ludi decennales*, or Games to return every tenth Year, were instituted by *Augustus*, with this political Design, to secure the whole Command to himself, without incurring the Envy or Jealousy of the People. For every tenth Year proclaiming solemn Sports, and so gathering together a numerous Company of Spectators, he there made Proffer of resigning his imperial Office to the People; though he immediately resumed it, as if continued to him by the common Consent of the Nation (*b*). Hence a Custom was derived for the succeeding Emperors, every tenth Year of their Reign, to keep a magnificent Feast, with the Celebration of all Sorts of public Sports and Exercises (*c*).

The *Ludi Triumphales* were such Games as made a Part of the triumphal Solemnity.

*Ludi Natalitii*, instituted by every particular Emperor to commemorate his own Birth-day.

*Ludi Juvenales*, instituted by *Nero* at the Shaving of his Beard, and at first privately celebrated in his Palace or Gardens; but they soon became public, and were solemnized with great State and Magnificence. Hence the Games held by the following Emperors in the Palace, yearly on the first of January, took the Name of *Juvenalia* (*d*).

*Cicero* speaks of the *Ludi Juventutis*, instituted by *Salinator* in the *Senenian War*, for the Health and Safety of the Youth; a Plague then reigning in the City (*e*).

The *Ludi Miscelli*, which *Suetonius* makes *Caligula* to have instituted at *Lyons* in *France*, seem to have been a Miscellany of Sports, consisting of several Exercises joined together in a new and unusual Manner (*f*).

The *LUDI FUNEBRES*, assigned as one Species of the *Roman* public Games, as to their Original and Manner, have been already described in the Chapter of the Gladiators. It may be proper to observe farther, that *Tertullian*, in his particular *Traet De Spectaculis*, as he derives the Custom of the *Gladiatorian Combats* from the Funeral Rites, so he takes Notice, that the Word *Munus*, applied originally to

(*a*) *Idem. Domit.* 4.      (*b*) *Dio. lib. 53.*      (*c*) *Ibid.*      (*d*) *Sueton. Ner.*  
11. *Cesaustr. ad loc.*      (*e*) *In Brut.*      (*f*) *Sueton. Cal. 20. Terrent. ad loc.*  
these

these Shows, is no more than *Officium*, a kind Office to the Dead. We must remember, that though the Shows of Gladiators, which took their Rise from hence, were afterwards exhibited on many other Occasions, yet the primitive Custom of presenting them, at the Funerals of great Men, all along prevailed in the City and *Roman* Provinces; nor was it confined only to Persons of Quality, but almost every rich Man was honoured with this Solemnity after his Death; and this they very commonly provided for in their Wills, defining the Number of Gladiators who should be hired to engage; insomuch that when any wealthy Person deceased, the People used to claim a Show of Gladiators, as their Due by long Custom. *Suetonius* to this Purpose tells us of a Funeral, in which the common People extorted Money by Force from the deceased Person's Heirs, to be expended on this Account (a).

*Julius Cæsar* introduced a new Custom of allowing this Honour to the Women, when he obliged the People with a Feast and a public Show in Memory of his Daugther (b).

It is very memorable, that though the Exhibitors of the Shows were private Persons, yet, during the Time of the Celebration, they were considered as of the highest Rank and Quality, having the Honour to wear the *Prætexta*, and to be waited on by the Lictors and Beadles, who were necessary to keep the People in Order, and to assist the *Designatores*, or Marshallers of the Procession (c).

(a) *Suet. Lib. 37.*

(b) *Idem. Jsl. 26.*

*Rom. lib. 4. cap. 8.*

(c) *Kirckman de Fu-*

*ner. Rom. lib. 4. cap. 8.*

## C H A P. VIII.

## Of the R O M A N Habit.

**T**HE Form of the *Roman* Habit has admitted of as much Controversy amongst the Learned, as any other Part of Antiquity ; and though the most eminent have been so kind as to leave us their Thoughts on the Subject, yet the Matter is still in Obscurity, and the Controversies relative to it undetermined. However, without enquiring into the several Fashions of the *Romans*, or defining the exact Time when they first changed their Leather Jerkins, or primitive Hides of wild Beasts, for the more decent and graceful Attires, it will be sufficient to the present Design, to observe the several Sorts of Garments in Use with both Sexes, and to give the best Description of them that can be recovered at this Distance.

The two most common and celebrated Garments of the *Romans* were the *Toga* and the *Tunica*.

The *Toga*, or Gown, seems to have been of a semi-circular Form, without Sleeves, different in Largeness, according to the Wealth or Poverty of the Wearer, and used only upon Occasion of appearing in Public ; whence it is often called *Vestis forensis* (a).

The Colour of the Gown is generally believed to have been white. The common Objections, against this Opinion, are, how it could then be distinguished from the *Toga candida*, used by Competitors for Offices ? Or how it comes to pass that we read particularly of their wearing white Gowns on Holidays and public Festivals, as in *Horace*,

*Ille repotia, natales, aliosque dierum  
Festos albatus celebret* (b).—

if their ordinary Gown were of the same Colour ? But both these Scruples are easily solved ; for between the *Toga alba*, and *candida*, we may apprehend this Difference, that the former was the natural Colour of the Wool, and the other an artificial White, which appeared with a greater Advan-

(a) *Ferrar. de re Vestiar.* lib. 1. cap. 28.

(b) Lib. 2. Sat. 2. 60.



2



1



4



3

1 *Palianus.* 2 *Togatus.* 3 *Pallata.* 4 *Stelata.*



1. *Ura* 2. *Taurina*

3. *Ura* 4. *Taurina*

1. *Imperatrix Calamandriana*  
2. *Patriciae Post Iustitiae*  
3. *Ura* 4. *Ura*

tage of Lustre; and therefore *Polybius* chuseth rather to call the Candidate's Gown λαυπη, than λευκη; not of a bare White, but of a bright shining Colour: For this Purpose they made use of a fine Kind of Chalk, whence *Perseus* took the Hint of *Cretata Ambitio* (a). As to the Holidays, or solemn Festivals, on which we find the *Romans* always attired in White, it is reasonable to believe that all Persons of Distinction constantly put on new Gowns, which were of the purest White, on these Occasions; and those of meaner Condition might perhaps chalk over their old ones, which were now grown rusty (b).

The Dispute between *Manutius* and *Sigonius*, whether the Roman Gown was tied about with a Girdle or not, is commonly decided in Favour of *Manutius*; yet it must be acknowledged that the best Authors allow some Kind of *Cincture* to the Gown; but then it must be understood to be performed only by the Help of the Gown itself, or by that Part of it, which, coming under the right Arm, was drawn over to the left Shoulder, and so covering the *Umbo*, or Knot of Plaits which rested there, kept the Gown close together. This Lappet or Skirt *Quintilian* calls the *Belt*, in his Advice to the *Orators* about this Matter: *Ille qui sub humero dextro ad sinistrum oblique ducitur, velut balleus, nec strangulet, nec fluat* (c).

This *Belt* being loosed, and the left Arm drawn in, the Gown flowed out, and the *Simus*, or main Lappet, hung about the Wearer's Feet; this was particularly observed in *Cæsar*, who commonly let his Gown hang dragging after him; whence *Sylla* used to advise the Noblemen, *ut puerum male præcinctum caverent* (d).

The accurate *Ferrarius* is certainly mistaken as to this Point; for maintaining that the Gown had no Kind of *Cinctus* but what they called *Gabinus*, he will have this meant only of the *Tunica*; but the plain Words of *Macrobius* make such a Supposition impossible, and *Laciniam trabere* expressly points out the Gown; for the *Tunic*, being only a short Vest, cannot by any Means be conceived to have a Lappet trailing on the Ground (e).

The same Fault, which *Sylla* objected to *Cæsar*, was commonly observed in *Mæcenas*, and is a Mark of that effeminate Softness, which makes an unhappy Part of his Character in History.

(a) *Sat.* 5. ver. 177. (b) *Lift. Elec.* lib. 1 cap. 13. (c) *Institut.* lib. 11. cap. 3. (d) *Sueton. Jul.* cap. 45. *Macrobi. Saturnal.* lib. 2. cap. 3. (e) *Gregorius ad Sueton. Jul.* 45.

The learned *Grævius* observes, that the Word *Præcingi* was proper to the Gown, because the Lappet did not close about the whole Gown, but only the Fore-part of it (*a*).

The *Cinctus Gabinus* is most accurately described by *Ferrarius*: *Cinctus Gabinus non aliud fuit quam cum togæ lacinia lœvo brachio subducta in tergum ita rejiciebatur, ut contracta retraberetur ad pectus, atque ita in nodum nœsteretur; qui nodus sive cinctus togam contrahebat, brevioremque & strictiorem reddidit* (*b*). “ The *Cinctus Gabinus* was nothing else, but “ when the Lappet of the Gown, which used to be brought “ up to the left Shoulder, being drawn thence, was cast off in “ such a Manner upon the Back, as to come round short to “ the Breast, and there fasten in a Knot, which Knot or Cinc-“ ture tucked up the Gown, and made it shorter and tighter.” This *Cinctus* was proper only to the Consuls or Generals upon some extraordinary Occasions, as declaring War, burning the Spoils of the Enemy, devoting themselves to Death for the Safety of their Army, and the like: It was borrowed from the Inhabitants of *Gabii*, a City of *Campania*, who at the Time of a public Sacrifice, happening to be attacked suddenly by their Enemies, were obliged through Haste to gather up their Gowns in this Manner, and so march out to oppose them (*c*).

In their common Drefs, the upper Part of the Gown used to lie over the right Shoulder, yet upon Occasion it was an easy Matter to draw back that Part again, and make it cover the Head; and learned Men are of Opinion, that the *Romans*, while they continued in the City, made Use of this Sort of Covering only for the Head, never appearing in any Kind of Caps or Hats, unless they were on a Journey. Thus *Plutarch* informs us of the Deference paid to great Men as they passed the Streets: οἱ Ῥωμαῖοι τὸν ἀνθρώπων τοῦ ἔξοις τιμῆς ἀπαιδεύτες, καὶ τυχῶσιν ἐπὶ τῆς περιφελῆς τὸ ἱμάτιον ἔχοντες, ἀποκαλύπτονται. The Romans when they meet any Person who deserves a particular Respect, if they chance to have their Gown on their Head, presently uncover. And the same Author, reckoning up the Marks of Honour which *Sylla* shewed *Pompey*, adds, καὶ τῆς περιφελῆς ἀπάγοντες τὸ ἱμάτιον, and pulling off his Gown from his Head.

The several Sorts of the Roman Gowns were the *Toga Prætexta*, the *Pulla*, the *Sordida*, and the *Picta*, *Purpurea*, *Palmata*, &c. or the *Trabea*.

(*a*) *Ibid.*      (*b*) *De Re Vetylari*. lib. 1. cap. 14.  
gil. *Aeu.* 7. v. 612.

(*c*) *Servius ad Vir-*

Every one knows that the Gown was the distinguishing Mark of the *Romans* from the *Greeks*, who wore the *Pallium*, or Cloak, whence *Togatus* and *Palliatus* are often used for *Roman* and *Grecian*; as also that the Gown was the proper Badge of Peace, being generally laid aside upon engaging in any martial Design; yet it appears from several Passages of *Livy* and *Plutarch*, that it was sometimes worn in the Camp; if so, perhaps the *Equites* and *Centurions* had this peculiar Privilege, and that only when they lay still in the Camp without any Thoughts of sudden Action, as *Manutius* learnedly conjectures (a).

The *Toga Prætexta* had a Border of Purple round the Edges, whence it took its Name, and in Allusion to which, the *Grecian* Writers call it περπέξτυγον. It seems originally to have been appropriated to the Magistrates and some of the Priests, when at first introduced by *Tullus Hostilius*. How it came to be bestowed on the young Men, is differently related. Some fancy that *Tarquinius Priscus*, in a Triumph for a Victory against the *Sabines*, first honoured his own Son with the *Prætexta* and the *Bulla aurea*, as Rewards of his Valour, for killing one of the Enemies with his own Hands; for as the former was the Robe of the Magistrates, so the *Bulla aurea* was till then used only by Generals in their triumphal Procession, being a Sort of hollow golden Ball hanging about their Necks, in which was enclosed some secret Amulet or Preservative against Envy. Others, without regarding this first Story, tells us, that the same *Tarquin*, among other wise Constitutions, took particular Care in assigning the proper habit to the Boys, and accordingly ordained that the Sons of Noblemen should make Use of the *Prætexta* and the *Bulla aurea*, provided their Fathers had born any curule Office, and that the rest should wear the *Prætexta* only; as low as the Sons of those who had served on Horseback in the Army the full Time that the Law required. A third Party refer the Original of this Custom to *Romulus* himself, as the Consequence of a Promise made to the *Sabine* Virgins, that he would bestow a very considerable Mark of Honour on the first Child that was born to any of them by a *Roman* Father. Many believe that the Reason of giving them the *Bulla* and the *Prætexta* was, that the former, being shaped like an Heart, might, as often, as they looked on it, be no inconsiderable Incitement to Courage; and that

(a) *De Quæstis per Epist. lib. 2. Ep. 1.*

the Purple of the Gown might remind them of the Modesty which became them at that Age (*a*).

But on what Account soever this Institution took its Rise, it was constantly observed by all the Sons of the *Ingenui*, or Free-born. The *Libertini* too in latter Times obtained the Privilege, only instead of the golden *Bulla* they wore a Leathern one, as *Juvenal* intimates, *Sat. 5. 164.*

—*Etruscum puerō si contigit aurum,  
Vel nodus tantum & signum de paupere lbro.*

It is commonly believed that the Boys changed this Gown at the Age of 14 Years for the *Toga Virilis*; but Monsieur *Dacier* makes this a great Mistake; for till they were 13 Years old, he says, they wore a Sort of Vest with Sleeves, which they called *Alicata Clamys*, and then left off that to put on the *Prætexta*, which they did not change till they had reached the Age of Puberty, or the 17th Year (*b*).

It is a very pertinent Remark, that this *Prætexta* was not only a Token of the Youth and Quality of the Wearer, but besides this had the Repute of a sacred Habit; and therefore, when they assigned it for the Use of the Boys, they had this especial Consideration, that it might be a Kind of Guard or Defence to them against the Injuries to which that Age was exposed (*c*). Thus the poor Boy in *Horace* cries out to the Witch *Canidia* that was tormenting him,

*Per hsc inane purpuræ decus precor.*      Epod. 5.

And *Perseus* calls it *custos purpura* in his 5th Satyr. But *Quintili* n most expressly, *Ego vobis allego etiam illud sacrum prætextarum, quo sacerdotes velantur, quo Magistratus, quo infirmitatem pueritiae sacram facimus ac venerabilem* (*d*). “ I al-  
“ ledge too the sacred Habit of the *Prætexta*, the Robe of  
“ Priests and Magistrates, and that by which we derive an  
“ holy Reverence and Veneration to the helpless Condition  
“ of Childhood.”

We find farther, that the Citizen’s Daughters were allowed a Sort of *Prætexta*, which they wore till the Day of Marriage. Thus *Cicero* against *Verres*, *Eripies pupillæ togam prætextam*. And *Propertius*, *Max ubi jam facibus cessit prætexta maritis*. The *Prætorii* and *Consulares* too, (if not all the Senators) at the *Ludi Romani* made Use of the *Prætexta* (*e*). And the Matrons on the *Capriline Nones* celebrated the Felliwal in this Sort of Gown (*f*).

(*a*) *Macrob. Saturnal.* lib. 1. cap. 6.  
(*c*) *Dacier*, *ibid.*      (*d*) *In Decimatum.*  
*de Ling. Lat.* lib. 5.

(*b*) *Dacier* on *Horace*, lib. 5. Ode 5.  
(*e*) *Cicero* *Phil.* p. 2.

(*f*) *Varro*

The *Toga pura* was the ordinary Garmenr of private Persons when they appeared abroad, so called because it had not the least Addition of Purple to the White; we meet with the same Gown under the Name of *Virilis* and *Libera*: It was called *Toga virilis*, or the *manly* Gown, because when the Youths came to Man's Estate, or to the Age of 17 Years, they changed the *Prætexta* for this Habit, as was before observed; on which Occasion the Friends of the Youth carried him into the *Forum* (or sometimes into the *Capitol*) and attired him in the new Gown with Abundance of Ceremony. This they called *dies tirocinii*, the Day on which he commenced a *Tiro*, in Relation to the Army, where he was now capacitated to serve.

It had the Name of *Toga libera*, because at this Time the young Men entered on a State of Freedom, and were delivered from the Power of their Tutors and Instructors. Thus the young Gentleman intimates in *Persius*:

*Cum primum pavido custos mibi purpura cessit,  
Bullaque succinctis laribus donata pependit;  
Cum blandi comites, totaque impune suburra  
Permisit sparsisse oculos jam candidus umbo.*      Sat. 5. 30.

When first my childish Robe resign'd its Charge,  
And left me unconfin'd to live at large;  
When now my golden *Bulla* (hung on high  
To Household-Gods) declar'd me past a Boy,  
And my white Plaights proclaim'd my Liberty;  
When with my wild Companions I could rowl  
From Street to Street, and sin without Controul.

DRYDEN.

But for all this Liberty, they had one remarkable Restraint, being obliged for the first whole Year to keep their Arms within their Gown, as an Argument of Modesty. This *Cicero* observes, *Nobis quidem olim annus erat unus ad exhibendum brachium toga constitutus* (a).

The *Toga pulla* and *sordida* are very commonly confounded; yet, upon a strict Enquiry, it will appear that the first Sort was proper to Persons in Mourning, being made of black Cloth, whence the Persons were called *atraci*. The *Toga sordida* was black as well as the other, but from a different Cause, having grown so by the long wearing and soiling of it; and this (as has been already observed) was worn

(a) *Cicero pro Caelio.*

by the Prisoners at their Trial, as well as by the common People. It may here be remarked that the *Pullati*, whom we meet with in the Classics, were not only those who wore the *Toga pulla*, or the *Toga sordida*, but such too as were attired in the *Penulæ* or *Lacernæ*, which were usually black. Thus the learned *Casaubon* interprets *pullatorum turba* in *Suetonius* (*a*), and *Quintilian* calls the Rabble *pullatus circulus* (*b*), and *pullata turba* (*c*). Hence it may reasonably be conjectured, that when the Roman State was turned into a Monarchy, the Gowns began to be laid aside by Men of the lower Rank, the *Penulæ* and *Lacernæ* being introduced in their Room, and commonly worn without them, or sometimes over them. This Irregularity had gained a great Head, even in *Augustus's* Time, who, to rectify it in some Measure, commanded the *Ædiles* that they should suffer no Person in the *Forum* or *Circus* to wear the *Lacerna* over his Gown as was then a common Practice. The same excellent Prince taking Notice at a public Meeting of an innumerable Company of Rabble in these indecent Habits, cried out with Indignation, *En*

*Romanos Rerum dominos gentemque togatam (d)!*

The *Toga picta*, *purpurea*, *palmata*, the consular *Trabea*, the *Paludamentum*, and the *Chlamys*, had very little Difference (except that the last but one is often given to military Officers in general, and sometimes passes for the common Soldiers Coat (*e*), and are indifferently used one for the other, being the Robes of State proper to the Kings, Consuls, Emperors, and all Generals during their Triumph. This Sort of Gown was called *Picta*, from the rich Embroidery, with Figures in *Pbrygian* Work; and *purpurea*, because the Ground-work was Purple. The *Toga palmata* indeed very seldom occurs, but may reasonably be supposed the same with the former, called so on the same Account as the *Tunica palmata*, which will be described hereafter. That it was a Part of the triumphal Habit, *Martial* intimates,

*Icomes, & magnos illæsa merere triumphos,  
Palmatæque ducem (scd cito) redde togæ. vii. 1.*

Antiquaries are very little agreed in Reference to the *Trabea*. *Paulus Manutius* was certainly wrong, when he fancied it to be the same as the *Toga picta*, and he is accordingly

(*a*) *August. cap. 40.* (*b*) *Lib. 2. cap. 12.* (*c*) *Lib. 6. cap. 4.* (*d*) *Sueton. August. cap. 40.* (*e*) *Vid. Bayf. de Re Vest. cap. II.*

corrected by *Grævius* (a). The general Opinion follows the Distinction of *Servius* and *Scaliger* into three Sorts, one proper to the Kings, another to the Consuls, and a third to the Augurs. But *Lipſius* (b) and *Rubenius* (c) acknowledge only one proper Sort of *Trabea* belonging to the Kings; being a white Gown bordered with Purple, and adorned with *clavi* or *trabes* of Scarlet: Whereas the Vests of the Consuls, the Augurs, and the Emperors, were called by the same Name, only because they were made in the same Form; for the old *Paludamentum* of the Generals was all Scarlet, only bordered with Purple; and the *Cblamydes* of the Emperors were all Purple, commonly beautified with a golden or embroidered Border.

*Sidoniam pīcto clamydem circumdata limbo.* Virg. Æn. 4.

When the Emperors were themselves Consuls, they wore a *Trabea* adorned with Gems, which were allowed to none else. *Claudian*, in his Poems of the third, fourth, and sixth Consulship of *Honorius*, alludes expressly to this Custom.

— *Cinctus mutata Gabinos*  
*Dives Hydaspeis augeſcat purpura gemmis.*

And again,

— *Asperat Indus*  
*Velamenta lapis, pretiosaque fila ſmaragdis*  
*Ducta virent* —

And in the last,

*Membraque gemmato trabeæ viridiania cinctu.*

There are several other Names under which we sometimes find the Gown, which have not yet been explained, nor would be of much Use, if thoroughly understood: Such as the *Toga undulata*, *sericulata*, *paverata*, *Pbryxiana*, *scutulata*, &c. See *Ferrar. de Re Vest.* lib. 2. cap. 10.

The *Tunica*, or close Coat, was the common Garment worn within Doors by itself, and abroad under the Gown: The *Proletarii*, the *Capite censi*, and the rest of the Vulgar, could not afford to wear the *Toga*, and so went in their *Tunics*; whence *Horace* calls the Rabble *tunicatus popellus*, and the Author of the Dialogue *de Claris Oratoribus*, *populus tunicatus*. The antient *Romans*, as *Gellius* informs us (d), at

(a) *Præfat. ad 1 Vol. Thes. Rom.* (b) *Ad Tacit. Ann. 3.* (c) *De Re Vestiar & præcipue de Laticlav. lib. 1. cap. 5.* (d) *Lib. 7. cap. 12.*

first were cloathed only in the Gown, In a little Time they found the Convenience of a short strait *Tunic*, that did not cover the Arms; like the *Grecian ἑσπερίδες*. Afterwards they had Sleeves coming down to the Elbow, but no farther. Hence *Suetonius* tells us that *Cæsar* was remarkable in his Habit, because he wore the *Laticlavian Tunic*, clofed with Gatherings about his Wrist (*a*). *Rubenius* thinks he might use this Piece of Singularity to shew himself descended from the *Trojans*, to whom *Romulus* objects, in *Virgil*, as an Argument of their Effeminacy,

*Et tunicæ manicas, & habent redimicula mitræ* (*b*).

And *Iulus*, or *Ascanius*, is still to be seen dressed after the same Manner in the old Gems (*c*).

Yet in the Declension of the Empire, the *Tunics* did not only reach down to the Ankles, whence they were called *Talares*, but had Sleeves also coming down to the Hands, which gave them the Name of *Chirodotæ*. And now it was counted as scandalous to appear without Sleeves, as it had been hitherto to be seen in them. And therefore, in the Writers of that Age, we commonly find the accused Persons at a Trial habited in the *Tunic* without Sleeves, as a Mark of Infamy and Disgrace (*d*).

The several Sorts of the *Tunic* were the *Palmata*, the *Angusticlavia*, and the *Laticlavia*.

The *Tunica Palmata* was worn by Generals in a Triumph, and perhaps always under the *Toga picta*. It had its Name either from the great Breadth of the *Clavi*, equal to the Palm of the Hand; or else from the Figures of Palms, embroidered on it (*e*).

The Critics in general are strangely divided about the *Clavi*. Some fancy them to have been a Kind of Flowers interwoven in the Cloth: Others will have them to be the Buttons or Clasps by which the *Tunic* was held together. A third Sort contend, that the *Latus Clavus* was nothing else but a *Tunic* bordered with Purple. *Scaliger* thinks the *Clavi* did not belong properly to the Vest, but hung down from the Neck, like Chains and Ornaments of that Nature. But the most general opinion makes them to have been Studs or Purls, something like Heads of Nails, of Purple or Gold, worked into the *Tunic*.

All the former Conjectures are learnedly refuted by the accurate *Rubenius*, who endeavours to prove, that the *Clavi*

(*a*) *Suet. Jul. cap. 45.*

(*b*) *Æncid. xi. 616.*

(*c*) *Rubenius de Lac-*

*lclav. lib. i. cap. 12.*

(*d*) *Ibidem.*

(*e*) *Festus in voce.*

were

were no more than Purple Lines or Streaks running along the Middle of the Garments, which were afterwards improved to golden and embroidered Lines of the same Nature. We must not therefore suppose them to have received their Name from the Heads of Nails, to which they bore no Resemblance; but it must be remarked, that the Antients used to inlay their Cups and other precious Utensils with Studs of Gold, or other ornamental Materials. These, from their Likeness to Nail-heads, they called in general *Clavi*: So that it was very natural to use the same Word to signify these Lines of Purple, or other Colours which were of a different Kind from all the rest of the Garment, as those antient *Clavi* were of a different Colour and Figure from the Vessels which they adorned.

These Streaks were either transverse or straight down the Vest; the former were used only in the Liveries of the *Pope*, and other public Servants, by the Musicians, and some Companies of Artificers, and now and then by the Women, being termed *Paragaudeæ*. The proper *Clavi* came straight down the Vest, one of them making the *Tunic*, which they called the *Angusticlavæ*, and two the *Laticlave*.

However this Opinion has been applauded by the Learned, Monsieur *Dacier*'s Judgment of the Matter cannot fail to meet with a kind Reception.

He tells us, that the *Clavi* were no more than Purple Galloons, with which they bordered the Fore-part of the *Tunic*, on both Sides, in the Place where it came together. The broad Galloons made the *Laticlave*; and the narrow the *Angusticlavæ*. Therefore they are strangely mistaken, who make the only Difference between the two Vests to consist in this, that the one had but a single *Clavus*, the other two, and that the Senatorian *Clavus*, being in the Middle of the Vest, could possibly be but one: For it is very plain they had each of them two Galloons, binding the two Sides of the Coat where it opened before; so that joining together with the Sides, they appeared just in the Middle; whence the Greeks called such a Vest μεσοπέργυν. That the Galloons were sewed on both Sides of the Coat, is evident beyond Dispute from the following Passage of *Varro*: *Nam si quis tunicam ita confisit, ut altera plagula sit angustis clavis, altera latis, utraque pars in suo genere caret analogia.* “ For if any one should sew a Coat in this Manner, that “ one Side should have a broad Galloon, and the other a “ narrow one, neither Part has any Thing properly answer- “ ing to it.” As to the Name of the *Clavi*, he thinks there needs no farther Reason to be given, than that the Antients called

called any Thing, which was made with Design to be put upon another *Clavus* (a).

It has been a received Opinion, that the *Angusticlavé* distinguished the Knights from the common People in the same Manner as the *Laticlave* did the Senators from those of the Equestrian Rank; but *Rubenius* avers, that there was no Manner of Difference between the *Tunics* of the Knights, and those of the Commons. This Conjecture seems to be favoured by *Appian*, in the second Book of his History, where tells us, ἡ διαλύνων ἐστὶ τὸ σχῆμα τοῖς δεσπόταις ὄμοιος, χωρὶς γὰρ τῆς βαθευτικῆς οὐ ἄλλη σολή ποτὲ διεξάπεστη ἐπίκοινος. “ The Slave in Habit goes like his Master; and, excepting only the Senator’s Robe, all other Garments are common to the Servants.” And *Pliny*, when he says that the Rings distinguished the Equestrian Order from the common People, as their *Tunic* did the Senate from those that wore the Rings, would not probably have omitted the other Distinction, had it been real. Besides both these Authorities, *Lampridius*, in the Life of *Alexander Severus*, confirms the present Assertion. He acquaints us that the aforesaid Emperor had some Thoughts of assigning a proper Habit to Servants different from that of their Masters: But his great Lawyers, *Ulpian* and *Paulus*, dissuaded him from the Project, as what would infallibly give Occasion to much Quarelling and Diffension; so that, upon the Whole, he was contented only to distinguish the Senators from the Knights by their *Clavus*.

But all this Argument will come to nothing, unless we can clear the Point about the Use of Purple among the *Romans*, which the *Civilians* tell us was strictly forbidden the common People under the Emperors. It may therefore be observed, that all the Prohibitions of this Nature were restrained to some particular Species of Purple. Thus *Julius Cæsar* forbade the Use of the *Conchylian Garments*, or the *ἀλεγρίδες* (b). And *Nero* afterwards prohibited the ordinary Use of the Amethystine, or *Tyrian Purple* (c). These Conjectures of *Rubenius* need no better Confirmation than that they are repeated and approved by the most judicious *Grævius* (d).

According to this Opinion, it is an easy Matter to reconcile the Contest between *Manutius* and *Lipsius*, and the inferior Critics of both Parties, about the Colour of the *Tunic*, the former asserting it to be Purple, and the other White: For it is evident it might be called either, if we suppose the

(a) *Dacier* on *Horace*. lib. 2. Sat. 5. (b) *Sueton. Jul.* cap. 43. (c) *Idem Neron.* cap. 32. (d) *Sueton. Jul.* 43. *Otho.* 10. *Domitian.* 10.

Ground-Work to have been White, with the Addition of these Purple Lists.

As to the Persons who had the Honour of wearing the *Laticlave*, it may be maintained, that the Sons of those *Senators*, who were *Patricians*, had the Privilege of using this Vest in their Childhood, together with the *Prætexta*. But the Sons of those *Senators* who were not *Patricians*, did not put on the *Laticlave*, till they applied themselves to the Service of the Common-wealth, and to bearing Offices (a). Yet *Augustus* changed this Custom, and gave the Sons of any *Senators* Leave to assume the *Laticlave* presently after the Time of their putting on the *Toga Virilis*, though they were not yet capable of Honours (b). And by the particular Favour of the Emperors, the same Privilege was allowed to the more splendid Families of the Knights. Thus *Ovid* speaks of himself and Brother, who are known to have been of the *Equestrian Order*:

*Interea, tacito, passu, labentibus annis,  
Liberior fratri sumpta mibique toga;  
Induiturque bumeris cum lato purpura clavo, &c. (c).*

And *Statius* of *Metius Celer*, whom in another Place he terms *Splendidissimus* (d), (the proper Stile of the Knights.)

—*Puer hic sudavit in armis  
Notus adbuc tantum majoris munere clavi (e).*

Besides the Gown and *Tunic*, we hardly meet with any Garments of the *Roman Original*, or that deserve the Labour of an Enquiry into their Difference. Yet, among these, the *Lacerna* and the *Penula* occur more frequently than any other. In the old Comment upon *Perfius*, Sat. 1. Ver. 68. They are both called *Pallia*; which Identity of Names might probably arise from the near Resemblance they bore one to the other, and both to the *Cretian Pallium*. The *Lacerna* was first used in the camp, but afterwards admitted into the City, and worn upon their Gowns to defend them from the Weather. The *Penula* was sometimes used with the same Design, but, being shorter and fitter for Expedition, it was chiefly worn upon a Journey (f).

*Rubenius* will have the *Lacerna* and the *Penula* to be both close-bodied Kind of Frocks, girt about in the Middle, the

(a) See *Pliny*, Lib. 8. *Epist. 23.* (b) *Sueton. Aug. cap. 37.* (c) *Tristium* 1. iii. *Eleg. 10.* (d) *Præfat. ad l. 3. Sylvarum.* (e) *Sylv. l. 3. carm. 2.* (f) See *Lipf. Eleg. l. 1. c. 13.* & Dr. *Holyday* on *Javelanæ*, Sat. 1.

only Difference between them being, that the *Penulae* were always brown, the *Lacerna* of no certain Colour; and that the *Cucullus*, the Cowl or Hood, was sewed on the former, but worn as a distinct Thing from the other (a). But *Ferrarius*, who has spent a whole Book in animadverting on that Author, wonders that any Body should be so ignorant, as not to know these two Garments to have been of a quite distinct Species (b).

It will be expected that the Habits of the Roman Priests should be particularly described; but we have no certain Intelligence, only what concerns the Chief of them, the Augurs, the Flamens, and the Pontifices. The Augurs wore the *Trabea* first dyed with Scarlet, and afterwards with Purple. *Rubenius* takes the Robe which *Herod* in Derision put on our Saviour to have been of this Nature, because St. *Matthew* calls it Scarlet, and St. *Luke* Purple. *Cicero* useth *Dibaphus* (*a Garment twice dyed*) for the Augural Robe (c).

The proper Robe of the *Flamens* was the *Læna*, a Sort of Purple *Chlmys*, or almost a double Gown, fastened about the Neck with a Buckle or Clasp. It was interwoven curiously with Gold, so as to appear very splendid and magnificent. Thus *Virgil* describes his Hero in his Habit,

—*Tyriisque ardebat murice læna  
Demissa ex humeris: dives qua munera Dido  
Fecerat, & tenui telas discreverat auro.* AEn. iv. 262.

The Pontiffs had the Honour of using the *Prætexta*; and so had the *Epulones*, as we learn from *Livy*, Lib. 43.

The Priests were remarkable for their Modesty of Apparel, and therefore they made use only of the common Purple, never affecting the more chargeable and splendid. Thus *Cicero*, *Vestitus asper nostra bac purpura plebeia ac pene fusca* (d). He calls it *our Purple*, because he himself was a Member of the College of Augurs.

There are two farther Remarks which may be made in Reference to the Habits in general. First, that, in the Time of any public Calamity, it was an usual Custom to change their Apparel, as an Argument of Humility and Contrition; of which we meet with many Instances in History. On such Occasions the Senators laid by the *Laticlave*, and appeared only in the Habit of Knights: The Magistrates threw aside the *Prætexta*, and came abroad in the Senatorian Garb:

(a) *De Latiolæ*, lib. 1. cap. 6.  
(b) *Analect de Re Vest.* cap. ult.  
(c) *Epiſt. Famil.* lib. 2. Epift. 16.

(d) *Pro Sextio*.

The Knights left off their Rings, and the Commons changed their Gowns for the *Sagum* or Military Coat (*a*).

The other Remark is the Observation of the great *Casanbon*, that the Habit of the Antients, and particularly of the *Romans*, in no Respect differed more from the Modern Dress, than in that they had nothing answering to our Breeches and Stockings, which if we were to express in *Latin*, we should call *femoralia* and *tibialia*. Yet, instead of these, under their lower Tunics or Waistcoats, they sometimes bound their Thighs and Legs round with Silken Scarfs or *fasciæ*; though these had now and then the Name of *fæminalia*, or *femoralia* and *tibialia*, from the Parts to which they were applied (*b*).

As to the Habit of the other Sex, in the antient Times of the Common-wealth, the Gown was used alike by Men and Women (*c*). Afterwards the Women took up the *Stola* and the *Palla* for their separate Dresss. The *Stola* was their ordinary Vest, worn within Doors, coming down to their Ankles: When they went abroad they flung over it the *Palla* or *Pallium*, a long open Manteau (*d*), which covered the *Stola* and their whole Body. Thus *Horace*,

*Ad talos stola demissa & circumdata palla* (*e*).

And *Virgil*, describing the Habit of *Camilla*,

*Pro crinali auro, pro longæ tegmine pallæ,  
Tigridis exuvie per dorsum a vertice pendent* (*f*).

*Rubenius* has found this Difference in the *Stola*, that those of the ordinary Women were white, trimmed with golden Purls (*g*):

They dressed their Heads with what they called *Vittæ* and *Fasciæ*, Ribbons and thin Sashes; and the last Sort they twirled round their whole Body, next to the Skin, to make them slender; to which *Terence* alludes in his *Eunuch* (*h*).

*Haud similis virgo est virginum nosrarum; quas matres fluident  
Demissis bumeris esse, vincet pectore, ut graciles sint.*

The former, *Ovid* makes to be the distinguishing Badge of honest Matrons and chaste Virgins.

*Este procul vittæ tenues, insigne pudoris* (*i*).

(*a*) See *Ferrari. de Re Viril. lib. 1. cap. 27.* (*b*) *Sueton. August. cap. 82*  
*Calaub. n ad locum.* (*c*) *Vid. Ferrari. lib. 1. Re Viril. lib. 2. cap. 17* (*d*) *Duxier*  
*on Horac. lib. 1. Sat. 2. ver. 99.* (*e*) *Horac. ibid.* (*f*) *En. 11. ver. 576.*  
*(g) De Laticlav. lib. 1. cap. 16.* (*h*) *Aet. 2. Scen. 3.* (*i*) *De Art. Amand.*  
*lib. 1.*

And describing the chaste *Daphne*, he says,

*Vitta coerced positos sine lege capillos (a).*

It is very observable, that the common Courtezans were not allowed to appear in the *Stola*, but obliged to wear a Sort of Gown, as a Mark of Infamy, by Reason of its Resemblance to the Habit of the opposite Sex. Hence in that Place of *Horace*,

— *Quid inter* —

*Est, in matrona, ancilla, pecceſe togata?* L. I. S. 2. V. 53.

The most judicious *Dacier* understands by *Togata* the Courtezan, in Opposition both to the Matron and the Serving-Maid.

Some have thought that the Women wore the *Lacerna* too: But the Rise of this Opinion is owing to their Mistake of that Verse in *Juvenal*,

*Ipſe lacernatæ cum ſe jaclaret amicæ.*

Where it must be observed that the Poet does not speak of the kept Mistresses, but of the Eunuch *Sporus*, upon whom *Nero* made an Experiment in order to change his Sex. So that *Juvenal's Lacernata amica* is no more than if we should say a *Mistress in Breeches*.

The Attire of the Head and Feet will take in all that remains of this Subject. As to the first of these, it has been a former Remark that the *Romans* ordinarily used none, except the Lappet of their Gown; and this was not a constant Cover, but only occasional, to avoid the Rain, Sun, or other accidental Inconveniences. Hence it is that we see none of the old Statues with any thing on their Heads, except now and then a Wreath, or something of that Nature. *Eustathius*, on the first of the *Odysses*, tells us that the *Latins* derived this Custom of going bare-headed from the *Greeks*, it being notorious, that in the Age of the Heroes, no Kind of Hats or Caps were at all in Use: Nor is there any such Thing to be met with in *Homer*. Yet at some particular Times we find the *Romans* using some Sort of Covering for the Head: as at the *Sacrifices*, at the public Games, at the Feast of *Saturn*, upon a Journey, or a warlike Expedition. Some Persons too were allowed to have their Heads always covered, as Men who had been lately made free, and were thereupon shaved close on their Head, might wear the *Pileus*, both as a Defence from the Cold, and as a Badge of their Liberty. And the same Privilege was granted to Persons under any Indisposition (b).

(a) *Metamorph.* lib. 1. Fab. 9.

(b) *Liftius de Amphitheat.* cap. 19.

As for the several Sorts of Coverings designed for these Uses, many of them have been long confounded beyond any Possibility of a Distinction ; and the learned *Salmasius* (*a*) has observed, that the *Mitra*, and the *Pileus*, the *Cucullus*, the *Galerus*, and the *Palliolum*, were all Coverings of the Head, very little differing from one another, and promiscuously used by Authors ; however, there are some of them which deserve a more particular Enquiry.

The *Galerus*, *Voffius* (*b*) derives from *Galea*, the *Roman Helmet*, to which we must suppose it to have born some Resemblance. *Servius*, when he reckons up the several Sorts of the Priests Caps, makes the *Galerus* one of them, being composed of the Skin of the Beast offered in Sacrifice : The other two being the *Apex*, a stitched Cap in the Form of a Helmet, with the Addition of a little Stick fixed on the Top, and wound about with white Wool, properly belonging to the *Flamines* ; and the *Tutulus*, a woollen Turban, much like the former, proper to the High-Priest. By the *Galerus* it is likely he means the *Albo Galerus*, made of the Skin of a white Beast offered in Sacrifice, with the Addition of some Twigs taken from a wild Olive-Tree, and belonging only to *Jupiter's Flamen* : Yet we find a Sort of *Galerus* in Use among the ordinary Men, and the *Galericulum* (which some call *Galerus*) common to both Sexes : This was a Skin so neatly dressed with Men or Womens Hair, that it could not easily be distinguished from the Natural ; it was particularly used by those who had thin Heads of Hair, as *Suetonius* reports of *Nero* (*c*) ; as also by the Wrestlers, to keep their own Hair from receiving any Damage by the offensive Oils with which they were rubbed all over before they engaged. This we learn from *Martial's* Distich on the *Galericulum* : xiv. 50.

*Ne lutet immundum nitidos ceroma capillos,*  
*Hac poteris madidas condere pelle comas.*

The *Pileus* was the ordinary Cap or Hat worn at public Shows and Sacrifices, and by the freed Men. For a Journey they had the *Petasus*, differing only from the former in that it had broader Brims, and bore a nearer Resemblance to our Hats, as appears from the common Pictures of *Mercury* ; and hence it took its Name from πετάνει, to open or spread out (*d*).

(*a*) In *Vepis.* & *Græv.* in *Sueton.* *Cland.* 2.      (*b*) *Cap.* 12.      (*c*) *Iffius:* *Etymolog.* in *v.* *Petasus.*      (*d*) *Lipfus de Amphitheat.* *cap.* 19.

The *Mitra*, the *Tiara*, and the *Diadem*, though we often meet with them in *Roman Authors*, are none of them beholden to that Nation for their Original. The *Mitre* seems to owe its Invention to the *Trojans*, being a crooked Cap tied under the Chin with Ribbons: It belonged only to the Women among the *Romans*, and is attributed to the foreign Courtezans that set up their Trade in that City, such as the

— *pietâ lupa barbara mitrâ*

in *Juvenal*; yet among the *Trojans* we find it in Use among the Men. Thus *Romulus* ridicules them in *Virgil*,

*Et tunicæ manicas & habent redimicula mitræ:*

*O vere Pbrygice ; neque enim Pbryges (a) !*

And even *Æneas* himself is by *Iarbas* described in this Dress,

*Mæoniâ mentum mitrâ crinemque madentem*

*Subnexus.* Æn. 4. 216.

The *Tiara* was a Cap of State used by all the Eastern Kings and great Men, only with this Difference, that the Princes wore it with a sharp strait Top, and the Nobles with the Point a little bending downwards (b).

The *Diadem* belonged to the Kings of *Rome* as well as to the foreign Princes: This seems to have been no more than a white Scarf or *Fascia* bound about the Head, like that which composeth the *Turkish Turban*. Those, who are willing to find some nearer Resemblance between the *Diadem* and our modern Crowns, may be convinced of their Mistake from that Passage of *Plutarch*, where he tells us of a Princess that made Use of her *Diadem* to hang herself (c).

These white *Fascie* among the *Romans* were always considered as the Marks of Sovereignty; and therefore when *Pompey the Great* appeared commonly abroad with a white Scarf wound about his Leg, upon Pretence of a Bruise or an Ulcer, those who were jealous of his growing Power, did not fail to interpret it as an Omen of his affecting the supreme Command; and one *Favonius* plainly told him, it was a Matter of Indifferencē on what Part he wore the *Diadem*, the Intention being the same (d).

To descend to the Feet, the several Sorts of the *Roman Shoes*, Slippers, &c. which are most frequently to be met with in reading, are the *Perones*, the *Calcei lunati*, the *Mullei*, the *Soleæ* and *Crepidæ*, and the *Caligæ*; besides the *Catbur-nus* and *Soccus*, which have been already described.

(a) Æn. 9. 616. (b) Demofler ad Rosin. lib. 5. cap. 35. (c) Plut. in Læs. (d) Valer. Max. lib. 6. cap. 2.

The *Perones* were a Kind of high Shoes, rudely formed of raw Hides, and reaching up to the Middle of the Leg: They were not only used by the Country People, as some imagine, but in the City too by Men of ordinary Rank; nay, *Rubenius* avers, that in the most antient Times of the Common-wealth, the Senators, as well as others, went in the *Perones* (a): However, when they came to be a little polished, they left this clumsy Wear to the Ploughmen and Labourers, and we scarce find them applied to any one else by the Authors of the flourishing Ages. Thus *Perfus* brings in the

— *Peronatus arator*; S. 5. V. 102.

And *Juvenal*,

— *Quem non pudet alto  
Per glaciem perone tegi.* — S. 14. V. 186.

*Virgil*, indeed, makes some of his Soldiers wear the *Pero*; but then they were only a Company of Rustics, *Legio agrestis*, as he calls them; besides, they wore it but on one Foot:

— *Vestigia nuda sinistri  
Instituere pedis, crudus tegit altera pero.* Æn. 7. 690.

The *Calcei lunati* were proper to the Patricians, to distinguish them from the Vulgar, so called from an Half-moon of Ivory worn upon them. *Baldwin* will have the Half-moon to have served instead of a *Fibula* or Buckle (b); but *Rubenius* (c) refutes this Conjecture, by shewing from *Philobratus*, that it was worn by Way of Ornament, not on the Forepart of the Shoe, like the Buckle, but about the Ankle. *Plutarch*, in his *Roman Questions*, gives several Reasons why they used the Half-moon rather than any other Figure; but none of them have met with Approbation from the Learned. The common Opinion makes this Custom an Allusion to the Number of Senators at their first Institution, which, being 100, was signified by the numeral Letter C.

Yet the *Patricians*, before they arrived at the Senatorian Age, and even before they put on the *prætexta*, had the Privilege of using the Half-moon on their Shoes. Thus *Statius*, *Sylv. v. 2, 27.*

*Sic te clare puer genitum sibi curia sensit:  
Primaque Patricia clausit vestigia luna.*

(a) *De Laticl. lib. 2. cap. 1.* (b) *De Calceo Antq. cap. 9.* (c) *De Laticl. lib. 2. cap. 4.*

The Senators who were not *Patricians* did not indeed wear the Half moon ; but that Ornament seems not to have been the only Difference between the Senatorian and the common Shoes ; for the former are commonly represented as black, and coming up to the Middle of the Leg ; as in *Horace*, Book i. Sat. 6. 27.

— *Nigris medium impediit crus  
Pellibus.*

*Rubenius* will have this understood only of the four Black Straps, which he says fastened the Senators Shoes being tied pretty high on the Leg (a). *Dacier* tells us the Senators had two Sorts of Shoes, one for Summer, and the other for Winter. The Summer Shoes he describes with such leather Straps crossing one another many Times about the Leg, and nothing but a Sole at the Bottom : These he calls *Campagi* ; though *Rubenius* attributes this Name to a Sort of *Caligæ* worn by the Senators under the late Emperors (b). The Winter Shoes, he says, were made of an entire Black Skin, or sometimes of a white one, reaching up to cover the greatest Part of the Leg, without any open Place, except on the Top (c).

It is uncertain whether the *Calcei Mullei* were so called from the Colour of the Mullet, or whether they gave a Name to that Fish from their reddish Dye. They were at first the peculiar Wear of the *Alban* Kings, afterwards of the Kings of *Rome*, and, upon the Establishment of the free State, were appropriated to those Persons who had born any *Curule* Office ; but perhaps they might be worn only on great Days, at the Celebration of some public Sports, when they were attired in the whole triumphal Habit, of which too these Shoes made a Part. *Julius Cæsar*, as he was very singular in his whole Habit, so was particularly remarkable for wearing the *Mullei* on ordinary Days ; which he did to shew his Descent from the *Alban* Kings (d). In Colour and Fashion they resembled the *Cetburni*, coming up to the middle Leg ; though they did not cover the whole Foot, but only the Sole, like Sandals (e). *Dacier* informs us, that when the Emperors took up the Use of these red Shoes, the *Curule* Magistrates changed the Fashion for embroidered ones (f).

The *Roman Solæ* were a Sort of Sandals, without any Upper-leather ; so that they covered only the Sole of the

(a) *De Re Vest* lib. 2. cap. 3. (b) *Ibid.* cap. 5. (c) *Dacier* on *Horace*, Book i. Sat. 6. (d) *D.z. lib. 49.* (e) Lib. 2. cap. 2. (f) *Dacier* on *Horace*, Book i. Sat. 6.

Foot, being fastened above with Straps and Buckles. These were the ordinary Fashion of the Women, and therefore counted scandalous in the other Sex: Thus *Cicero* exposed *Verres* (a), and *Clodius* (b), for using this indecent Wear; and *Livy* acquaints us, that the great *Scipio* was censured on the same Account (c): Yet upon all Occasions of Mirth and Recreation, or lawful Indulgence, it was customary for the Men to go thus loosely shod; as at Entertainments, and at the public Shows of all Sorts in the Circos or Amphitheatres.

The *Crepidæ*, which now and then occur in *Roman* Authors, are generally supposed to be the same as the *Soleæ*, under the Greek Name κεντιδες. But *Baldwin* is so nice as to assign this Difference, that the *Crepida* had two Soles, whereas the *Soleæ* consisted but of one: Therefore he is not willing to be beholden to the *Greeks* for the Word, but thinks it may be derived from the *Crepitus*, or Creaking that they made, which could not be so well conceived in those which had but a single Leather (d). That the *Græcian* κεντιδες, did really make such a Kind of Noise, (which we cannot easily imagine of the *Soleæ*,) is plain from the common Story of *Momus*; who, being brought to give his Censure of *Venus*, could find no Fault, only that her κεντης, or Slipper, creaked a little too much.

The *Caliga* was the proper Soldier's Shoe, made in the Sandal Fashion, so as not to cover the upper Part of the Foot, though it reached to the Middle of the Leg. The Sole was of Wood, like the *Sabots* of the *French* Peasants, and stuck full of Nails. These Nails were usually so very long in the Shoes of the Scouts and Centinels, that *Suetonius* (e) and *Tertullian* (f) call those *Caligæ Speculatoræ*, as if, by mounting the Wearer to a higher Pitch, they gave a greater Advantage to the Sight.

It was from these *Caligæ*, that the Emperor *Caligula* took his Name, having been born in the Army, and afterwards bred up in the Habit of a common Soldier (g). And hence *Juvenal* (h), and *Suetonius* (i), use *Caligati* for the common Soldiers, without the Addition of a Substantive.

(a) *Verrin.* 4. (b) *De Harusp. Respons.* (c) *Lib.* 29. (d) *Baldwin Calc.*  
*Antiq.* cap. 13. (e) *Caligul.* cap. 52. (f) *De Coron. Milit.* (g) *Sueton.*  
*Caligul.* cap. 9. (h) *Sat.* 16. v. 24. (i) *Augusl.* 25.

## C H A P. IX.

*Of the ROMAN Marriages.*

**T**HE Marriages of the *Romans*, which have been learnedly explained by so many eminent Hands, as the great Lawyers *Tiraguel*, *Sigoniis*, *Brissonius*, and the two *Hotto-mans*, will appear very intelligible from a diligent Enquiry into the Espousals, the Persons that might lawfully marry with one another, the proper Season for Marriage, the several Ways of contracting Matrimony, the Ceremonies of the Wedding, and the Causes and Manner of Divorces.

The Espousals, or Contract before Marriage, was performed by an Engagement of the Friends on both Sides, and might be done as well between absent Persons as present, as well in Private as before Witnesses; yet the common Way of betrothing was by Writings drawn up by common Consent, and sealed by both Parties. Thus *Juvénal*, Sat. vi. 199.

*Si tibi legitimis, pactam junctamque tabellis  
Non es amaturus.*

And again, Sat. x. 336,

— — — *Veniet cum Signatoribus auctor.*

Besides this, the Man sent a Ring as a Pledge to the Woman, which in *Pliny's* Time used to be of Iron, without any Stone in it (*a*). Thus the same Satyrift,

*Conventum tamen & factum & sponsalia, nostra  
Tempestate paras, jamque a tensore magistro  
Pectoris, & digeo pigrus fortasse dedisti.* Sat. vi. 25.

There was no Age determined by the Laws for Espousals, but they might be made at any Time, provided that both Parties were sensible of the Obligation, which they were not supposed to be till their 7th Year; yet *Augustus* afterwards ordered that no Espousal should be esteemed valid, except such as were consummated within two Years Time (*b*).

No *Roman* might marry with any other than a *Roman*; but then this was extended to any free Denizen of the City,

(*a*) *Plin. Nat. Hist.* lib. 33. cap. 1. (*b*) *Sueton. Aug.* cap. 34.

thought

though born in any other Parts ; for thus *Dionysius* (a) reports of the *Latins*, *Livy* (b) of the *Campanians*, and *Cicero* (c) of the Inhabitants of *Africa*. Yet in *Rome* we meet with one eminent Restraint about these Matters, and that is a Law of the *Decemviri*, prohibiting any Marriage between the *Patrician* Families and the *Plebeians*. But within seven or eight Years, the Commons had given so many dangerous Tokens of their Resentment of this Injury, that upon the Motion of *Canuleius*, Tribune of the People, the *Consuls* were forced to give Consent to the enacting of a contrary Decree, allowing a free Alliance in Marriage between Persons of all Orders and Degrees (d).

The *Romans* were very superstitious in Reference to the particular Time of Marriage, fancying several Days and Seasons very unfortunate to this Design: The *Kalends*, *Nones*, and *Ides* of every Month, were strictly avoided; so was the whole Feast of the *Parentalia* in *February*, as *Ovid* observes, *Faſtor.* 2. 561.

*Conde tuas, Hymenæe, facies, & ab ignibus atris  
Aufer; habent alias mœſta ſepulchra facies.*

Go, *Hymen*, stop the long expecting Dames,  
And hide thy Torches from the dismal Flames;  
Thy Presence would be fatal while we mourn,  
And at sad Tombs must other Tapers burn.

The whole Month of *May* was looked on as ominous to contracting Matrimony, as *Plutarch* acquaints us in his *Roman Questions*, and *Ovid*, *Faſt.* 5. 487.

*Nec viduæ tædis cadem, nec virginis apta  
Tempora, quæ nupſit nec diurna fuit.  
Hac quoque de cauſa, ji te proverbia tangunt,  
Mense malas Maio nubere vulgus ait.*

No Tapers then should burn, nor ever Bride Link'd at this Season long her Bliss enjoy'd ; Hence our wise Masters of the Proverbs say, *The Girls are all stark naught that wed in May.*

In short, the most happy Season, in all Respects, for celebrating the Nuptial Solemnity, was that which followed the *Ides of June*. Thus *Ovid*, speaking of his Daughter :

*Hanc ego cum vellem genero dare, tempora tædis  
Apta requirebam, quæque cavenda forent.*

(a) Lib. 6. (b) Lib. 38. (c) *In Philipp.* (d) *Liv.* Lib. 4.

*Tunc mibi post sacras monstratur Junius Idus  
Utilis & nuptis, utilis esse viris.* Fast. vi. 221.

Resolv'd to match the Girl, I try'd to find  
What Days unprosp'rrous were, what Moons were kind:  
After June's sacred Ides my Fancy stay'd,  
Good to the Man, and happy to the Maid.

The three Ways of contracting Matrimony were, *farre*, *coemptio*, and *usu*, which fall properly under the Consideration of the Civil Law; the main Difference of them, was this: *Confarreatio* was, when the matrimonial Rites were performed with solemn Sacrifices, and Offerings of burnt Cakes, by the *Pontifex Maximus*, and the *Flamen Dialis*. *Pliny* says this was the most solemn Tie of all (*a*); yet we are assured, that after some Time, it was almost universally laid aside, as thought to include too many troublesome Ceremonies (*b*). A Divorce, after this Way of Marriage, *Festus* calls *Diffarreatio*. *Coemptio* was, when the Persons solemnly bound themselves to one another by the Ceremony of giving and taking a Piece of Money. The Marriage was said to be made by *Usus*, when, with the Consent of her Friends, the Woman had lived with the Man a whole Year compleat, without being absent three Nights; at which Time she was reckoned in all Respects a lawful Wife, though not so closely as in the former Cases.

The Nuptial Ceremonies were always begun with taking of Omens by the *Auspices*. Hence *Tully*, *Nubit genero socrus nullis auspiciibus, nullis auctoribus, funestis omnibus avium* (*c*).

In dressing the Bride, they never omitted to divide her Locks with the Head of a Spear; either as a Token that their Marriages first began by War and the Rape of the *Sabine* Virgins (*d*); or as an Omen of bearing a valiant and warlike Off-spring; or to remind the Bride, that, being married to one of a martial Race, she should use herself to no other than a plain unaffected Dress; or because the greatest Part of the Nuptial Care is referred to *Juno*, to whom the Spear is sacred, whence she took the Name of *Dea Quiris*; *Quiris* among the Antients signifying this Weapon, (*e*). *Ovid* alludes to this Custom in the second of his *Fasti*: 559.

*Nec tibi quæ cupidæ matura videbere matri,  
Comat virgineas basta recurva comas.*

(*a*) Lib. 18. cap. 2.

(*b*) Tacit. Annal. 4.

(*c*) Orat. pro Client.

(*d*) Plutarch in Romul. (*e*) Idem Quæst. Rom. 87.

Thou whom thy Mother frets to see a Maid,  
Let no bent Spear thy Virgin Locks divide.

In the next Place they crowned her with a Chaplet of Flowers, and put on her Veil or *Flammœum*, proper to this Occasion. Thus *Catullus*: lix. 6.

*Cinge tempora floribus  
Suaveolentis amaraci:  
Flammeum cape.*

And *Juvenal*, describing *Messalina*, when about to marry *Silius*:

— *Dudum sedet illa parato  
Flammeolo.* Sat. 10.

Instead of her ordinary Cloaths, she wore the *Tunica recta*, or common *Tunic*, called *recta* from being woven upwards, of the same Nature with that which the young Men put on with their *Manly Gown* (a); this was tied with a Girdle, which the Bridegroom was to unloose.

Being thus dressed, in the Evening she was led towards the Bridegroom's House by three Boys habited in the *Prætexta*, whose Fathers and Mothers were alive. Five Torches were carried to light her; for which particular Number, *Plutarch* has assigned several Reasons (b). A Distaff and a Spindle were likewise born along with her, in Memory of *Caia Cæcilia*, or *Tanaquil*, Wife to *Tarquinius Priscus*, a famous Spinster (c): And on the same Account the Bride called herself *Caia*, during the Nuptial Solemnity, as a fortunate Name.

Being come to the Door, which was garnished with Flowers and Leaves, according to that of *Catullus*: lxii. 293.

*Vestibulum ut molli velatum fronde vireret.*  
she bound about the Posts with woollen Lists, and washed them with melted Tallow, to keep out Infection and Sorcery. This Custom *Virgil* alludes to *Aen.* iv. 457.

*Præterea fuit in teclis de marmore tempium  
Conjugis antiqui, miro quo bonore colebat,  
Velleribus niveis & festa frondi revinctum.*

Being to go into the House, she was not to touch the Threshold, but was lifted over it. Either because the Threshold was sacred to *Vesta*, a most chaste Goddess, and so ought not to be defiled by one in these Circumstances: Or else, that it might seem a Piece of Modesty to be compelled into a Place where she should cease to be a Virgin (d).

(a) *Pliny*, lib. 8. cap. 48. (b) *Rom. Quest.* 2. (c) *Pliny*, lib. 8. cap. 48.  
(d) *Plutar.* b. *Rom. Quest.* 1. *Servius ad Virgil. Edog.* 3.

Upon her Entrance, she had the Keys of the House delivered to her, and was presented by the Bridegroom with two Vessels, one of Fire, the other of Water; either as an Emblem of Purity and Chastity, or as a Communication of Goods, or as an Earnest of sticking by one another in the greatest Extremities (*a*).

And now she and her Companions were entertained by the Bridegroom with a splendid Feast; on which Occasion, the Sumptuary Laws allowed a little more Liberty than usual in the Expences. This Kind of Treat was seldom without Music, generally of Flutes; the Company all the while singing *Thalassius*, or *Thalasso*, as the Greeks did *Hymeneus*. Several Reasons are given by Plutarch (*b*), for the Use of this Word: The common Opinion makes it an Admonishment to good Housewifery; the Greek Word, *τακτία*, signifying Spinning; and among the Conditions which were agreed upon by the Sabines and Romans, after the Rape of the Virgins, this was one, that the Women should be obliged to no servile Office for their Husbands, any farther than what concerned Spinning.

At the same Time the Bridegroom threw Nuts about the Room for the Boys: Thus *Virgil*, Eclog. 8.

*Sparge, marite, nuces* —

Out of the many Reasons given for this Custom, the most commonly received makes it a Token of their leaving childish Amusements, and entring on a more serious State of Life; whence *Nucibus relictis* has passed into a Proverb. This Conjecture is favoured by *Catullus*; l. ix. 131.

*Da nuces pueris, iners*

*Concubine: Satis diu*

*Lusissi nucibus. Lubet*

*Jam servire Thalassio.*

*Concubine, nuces da.*

In the mean Time the genial Bed was prepared, and a Set of Matrons, that had been never married but to one Man, placed the Bride on it with great Ceremony. Thus *Catullus*, l. ix. 186.

*Tes bona& s-nibz vi. is*

*Cognitæ bene feminæ,*

*Collocate puerullam.*

*Jam licet venias, marite, &c.*

(*a*) *Plutarch. Rom. Quest. 1. Servius ad Virgil. Eclog. 8. Rom. Quest. 2.*      (*b*) *Plutarch. Rom. Quest. 31.*

Nothing now remained but for the Bridegroom to loose her Girdle, a Custom that wants no Explanation ; only it may be observed to have been of great Antiquity : Thus *Moschus* in his Story of *Jupiter and Europa*: 160.

—Ζεῦς δὲ πάλιν ἐτέρην ἀνεκάχετο μορφὴν,  
Λῦσε δέ οἱ πάλιν μίτρην.

*Homer Odyss. 2.*

Λῦσεν παρθενικὴν ζώνην.

And *Museus* in *Hero and Leander*: 272.

Ω; ή μὲν ταῦτ' εἶπεν. ὁ δὲ αἰτίᾳ κύστος μίτρην,  
Καὶ Σερμῶν ἐπένοσας ἀγίσσοντος κυθερεῖν.

There generally attended a Company of Boys, and others singing obscene Verses, which were tolerated on this Occasion. They consisted of a Kind of *Fescennine Rhimes*. Hence *Catullus*:

Nec diu taceat procaix  
*Fescennina locutio.*

And *Claudian*:

Permissisque jocis turba licentior  
Exultet tetricis libera legibus.

The Day after, the new married Man gave a Supper, and invited all his old Companions to a drinking Match ; which they termed *repotia*.

The whole Subject of Divorces belongs entirely to the Lawyers, and the Distinction between *repudium* and *divortium* is owing to their Nicety : The first they make the breaking off the Contract, or Espousal ; and the last Separation after actual Matrimony. *Plutarch* mentions a very severe Law of *Romulus*, which suffered not a Wife to leave her Husband, but gave a Man the Liberty of turning off his Wife, either upon poisoning her Children, or counterfeiting his private Keys, or for the Crime of Adultery. But if the Husband on any other Occasion put her away, he ordered one Moiety of his Estate to be given to the Wife, and the other to fall to the Goddess *Ceres*; and that whosoever sent away his Wife, should make an Atonement to the Gods of the Earth (*a*). It is very remarkable, that, almost six hundred Years after the building of the City, one *P. Servilius*, or *Carvilius Spurius*, was the first of the *Romans* that ever put away his Wife (*b*).

(*a*) *Plutarch in Romul.*      (*b*) *Valer. Max. lib. 2. cap. 1. Plutarch. Compar. Romul. & Thej. & Rom. Qu. 13.*

The common Way of Divorcing was by sending a Bill to the Woman containing Reasons of the Separation, and the Tender of all her Goods which she brought with her; this they termed *repudium mittre*. Or else it was performed in her Presence before sufficient Witnesses, with the Formalties of tearing the Writings, refunding the Portion, taking away the Keys, and turning the Woman out of Doors. But however the Law of *Romulus* came to fail, it is certain that in latter Times the Women too, as well as the Men, might sue a Divorce, and enter on a separate Life. Thus *Juvenal*, Sat. 9. 74.

—*Fugientem s̄epe puellam  
Amplexu rapui: tabulas quoque fregerat, & jam  
Signabat.*

And *Martial*, Lib. 10. Epigr. 41.

*Mense novo Maii veterem Proculeia maritum  
Deseris, atque jubes res fibi habere suas.*

We have here a fair Opportunity to enquire into the Grounds of the common Opinion about borrowing and lending of Wives among the *Romans*. He that chargeth them most severely with this Practice, is the most learned *Tertullian*, in his *Apology*, ch. 39. *Omnia indiscreta sunt apud nos*, &c. “ All Things (says he speaking of the *Christians*) are “ common among us, except our Wives: We admit no “ Partnership in that one Thing, in which other Men are “ more professedly Partners, who not only make Use of their “ Friend’s Bed, but very patiently expose their own Wives to “ a new Embrace: I suppose, according to the Institution of “ the most wise Antients, the *Græcian Socrates*, and the *Roman Cato*, who freely lent out their Wives to their Friends!” And presently after, *O sapientiae Atticæ & Romanæ gravitatis exemplum! leno est Philosophus & Censor.* “ O wondrous Example of *Attic Wisdom*, and of *Roman Gravity!* a Philosopher and a Censor turn Pimps.

Chiefly on the Strength of this Authority, the *Romans* have been generally taxed with such a Custom: And a very great Man of our own Country (*a*) expresseth his Compliance with the vulgar Opinion, though he ingenuously extenuates the Fault in a parallel Instance. So much indeed must be granted, that though the Law made those Husbands liable to a Penalty who either hired out their Wives for Money, or retained them after they had been actually convicted of Adultery, yet the bare Permission of that Crime did not fall under the Notice of

(a) *Sir William Temple's Introduction to the Hist. of Eng.*

the civil Power. And *Ulpian* says expressly, *ei qui patitur uxorem suam delinquere, matrimoniumque suum contemnit, quique contaminatione non indignatur, pœna adulterorum non infligitur.* “ He that suffers his Wife to defile his Bed, and contemning his matrimonial Contract, is not displeased at the Pollution, does not incur the Penalty of Adulterers.” But it is almost impossible that this should give Occasion to such a Notion, being no more than what is tolerated at present. It may therefore be alledged in Favour of the *Romans*, that this Opinion might probably have its Rise from the frequent Practice of that Sort of Marriage, according to which a Woman was made a Wife only by Possession and Use, without any farther Ceremony. This was the most incomplete of all conjugal Ties: The Wife being so, rather by the Law of Nature, than according to the *Roman Constitution*; and therefore she was not called *Mater-familias*, nor had any Right to inherit the Goods of her Husband; being supposed to be taken purely on the Account of procreating Issue. So that after the bearing of three or four Children, she might lawfully be given to another Man.

As to the Example of *Cato* (not to urge that *Tertullian* has mistook the *Censor* for him of *Utica*, and so lost the Force of his Sarcasm) the best Accounts of that Matter may be had from *Strabo* and *Plutarch*: The Place of *Strabo* is in his 7th Book.  
*Ισορθοὶ δὲ πεζὶ τῶν Ταπύρων ὅτι αὐτοῖς εἰν νόμιμον τὰς γυναικας τὰς γαμετὰς ἐκδίδονται ἐτέροις ἀνδράσιν, ἐπειδὰν εἴ τοι ἀνέλαυνται δύο ή τρία τέννα· παθάπερ καὶ Κάτω Ορτηνσίων, δεδένται ἡγέδων τὴν Μαρκίαν ἐφ ἵμαν, κατὰ παλαιὸν Παραίων ἔθος.*  
 “ They report of these *Tapyrians*, that it is counted lawful among them to give away their Wives to other Men, after they have had two or three Children by them: As *Cato* in our Time, upon the Request of *Hortensius*, gave him his Wife *Marcia*, according to the old Custom of the Romans.” Here by *ἐκδίδονται* and *ἡγέδωνται* we should not understand the lending or letting out of Women, but the marrying them to new Husbands; as *Plato* useth *ενδοτον διζελεύονται*, “ to bestow Daughters in Marriage.”

*Plutarch*, before he proceeds in his Relation, has premised that this Passage, in the Life of *Cato*, looks like a Fable in a Play, and is very difficult to be cleared, or made out with any Certainty. His Narration is taken out of *Thrasias*, who had it from *Munatius*, *Cato’s* Friend and constant Companion, and is to this Effect:

“ *Quintus Hortensius*, a Man of singular Worth, and applied Virtue, was not content to live in Friendship and  
 “ Famili-

“ Familiarity with *Cato*, but desired also to be united to his Family, by some Alliance in Marriage. Therefore waiting upon *Cato*, he began to make a Proposal about taking *Cato's* Daughter *Porcia* from *Bibulus*, to whom she had already born three Children, and making her his own Wife; offering to restore her after she had born him a Child, if *Bibulus* was not willing to part with her altogether: Adding, that though this, in the Opinion of Men, might seem strange, yet in Nature it would appear honest and profitable to the Public, with much more to the same Purpose. *Cato* could not but express his Wonder at the strange Project, but at the same time approved of uniting their Houses: When *Hortensius*, turning the Discourse, did not hesitate to acknowledge, that it was *Cato's* own Wife which he really desired. *Cato*, perceiving his earnest Inclinations, did not deny his Request, but said that *Philip*, being the Father of *Marcia*, ought also to be consulted. *Philip*, being sent for, came, and finding they were all agreed, gave his Daughter *Marcia* to *Hortensius*, in the Presence of *Cato*, who himself also assisted at the Marriage.”

So that this was nothing like lending a Wife out, but actually marrying her to another while her first Husband was alive, to whom she might be supposed to have come by that Kind of Matrimony which is founded in the Right of Possession. And upon the whole, the Romans seem to have been hitherto unjustly taxed with the Allowance of a Custom not usually practised among the most barbarous and savage Nations.

## C H A P. X.

*Of the R O M A N Funerals.*

**T**HE most antient and generally received Ways of Burying, have been Interring and Burning; and both these we find at the same Time in Use among the Romans, borrowed in all Probability from the Grecians. That the Grecians interred their dead Bodies, may be evinced from the Story of the Ephesian Matron in *Petronius*, who is described fitting and watching her Husband's Body laid in a Vault. And from the Argument which *Solon* brought to justify the Right of the Athenians to the Isle of Salamis, taken from the dead Bodies

Bodies which were buried there not after the Manner of their Competitors the *Megarensians*, but according to the *Athenian Custom*; for the *Megarensians* turned the Corpse to the East, and the *Athenians* to the West; and that the *Athenians* had a distinct Sepulchre for each Body, whereas the *Megarensians* put two or three into one (*a*). That the same People sometimes burnt their Dead is beyond Dispute, from the Testimony of *Plutarch*, who, speaking of the Death of *Phocion*, tells us, that for some Time none of the *Athenians* dared light a Funeral Pile to burn the Body, after their Manner. As also from the Description of the Plague of Athens in *Thucydides*, ἵνα τοις ταῦτα θεῖαι φέρεται, &c. with the Translation of which Passage *Lucretius* concludes his Poem.

*Namque suos consanguineos aliena rigorum  
Insuper exstructa ingenti clamore liceabant,  
Subdebantque faceis, multo cum sanguine sæpe  
Rixantes potius quam corpora defererentur.*

To prove that both these Ways of Burial were used by the *Romans*, is almost unnecessary; for Burning is known by every one to have been their common Practice. And as for Interrring, their great Lawgiver *Numa* particularly forbade the Burning of his own Body, but commanded it to be laid entire in a Stone Coffin (*b*). And we learn from *Cicero* (*c*), and *Pliny* (*d*), that the Family of the *Cornelii* interred their Dead all along till the Time of *Sylla* the *Dictator*, who in his Will gave express Order to have his Body burnt; probably to avoid the Indignities that might have been offered it after Burial by the *Marian Faction*, in Return for the Violence shewn by *Sylla's* Soldiers to the Tomb and Remains of *Marius*.

But though Burning was the ordinary Custom, yet in some particular Cases it was positively forbid, and looked on as the highest Impiety. Thus Infants, who died before breeding of Teeth were buried (*e*).

—*Terra clauditur infans,*  
*Et minor igne rogi.* Juvenal. Sat. 15.

The Place, set apart for the Interment of such Infants, was called *Suggrundarium*. The same Superstition was observed in Reference to Persons who had been struck with Lightning (*f*). For they were never burnt, but after several Ce-

(*a*) *Plutarch*, in *Solon*.      (*b*) *Plutarch*, in *Nari*.      (*c*) *De Leg.* lib. 2.  
(*d*) *N. H.* lib. 7. cap. 54.      (*e*) *Idem*, lib. 7. cap. 16.      (*f*) *Idem*, lib. 2. cap. 54.  
remones

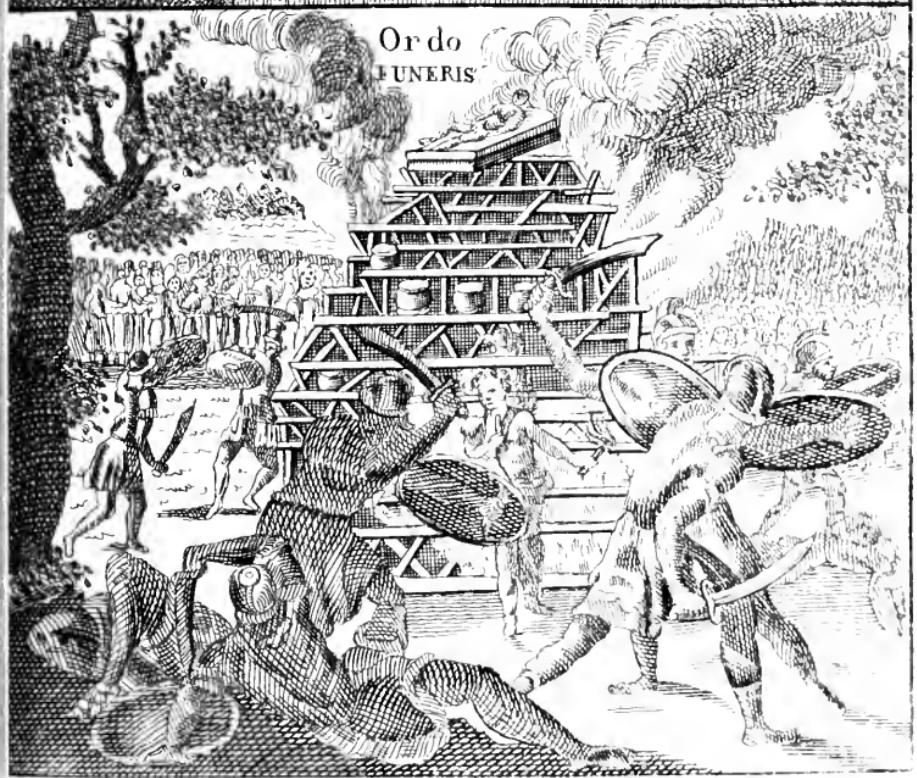
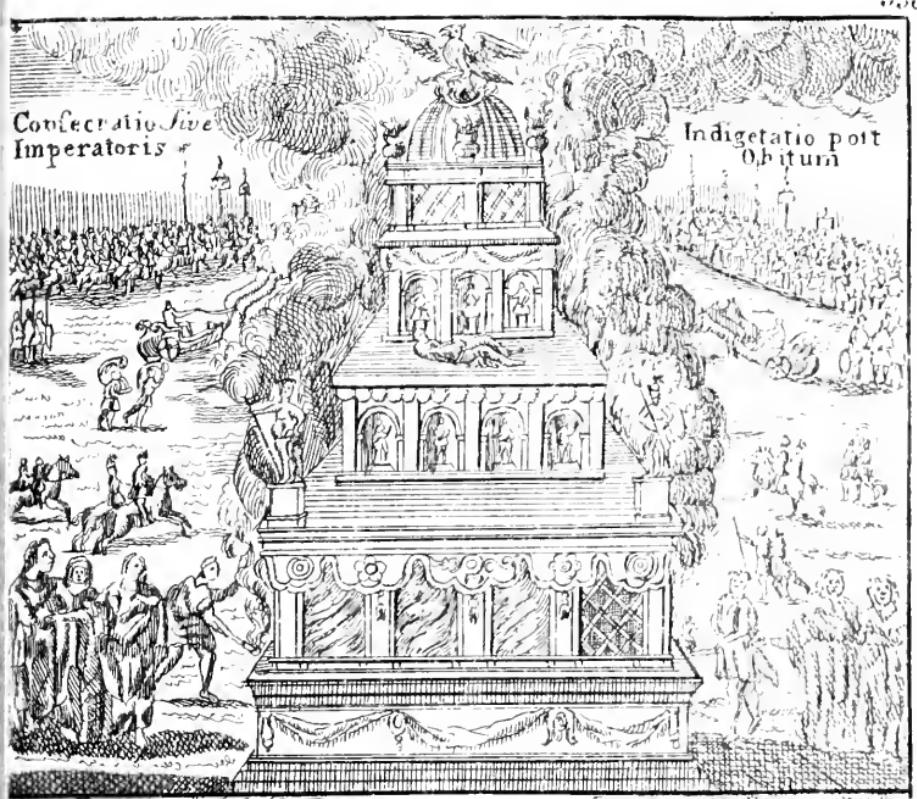
remonies performed by the *Auspices*, and the Sacrifice of a Sheep, were interred, or sometimes suffered to lie upon the Ground where they had fallen. In both Cases the Place was immediately inclosed either with a Stone Wall, or Stakes, or sometimes only with a Rope, having the Name of *Bidental* from the *Bidens* or Sheep that was sacrificed. *Perfus* useth *Bidental* for the Person that had come to this unhappy End. Sat. ii. 26.

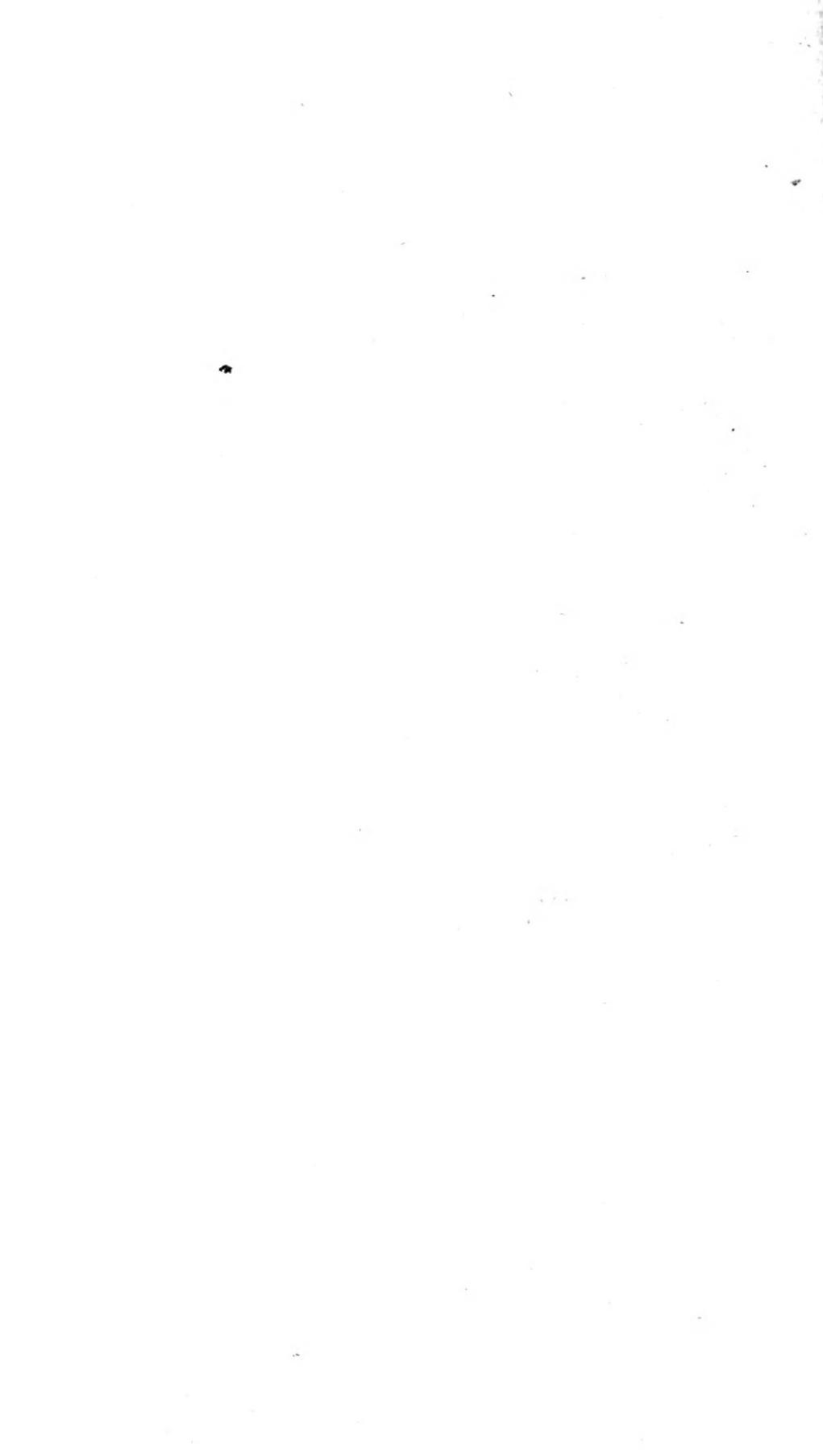
*An quia non fibris ovium, Ergennaque jubente,  
Trifl jaces lucis, evitandumque bidental.*

For they thought that where-ever a Thunder-bolt fell, the Gods had a particular Desire to have the Place sacred to their Worship; and therefore, whether a Man had been killed or no, they used the same Superstition in consecrating the Ground (a).

The several Sorts of Funerals fall under the common Heads of *Funus indicivm* and *Funus tacitum*. The *Funus indicivm* had its Name *ab indicendo*, from inviting, because on such Occasions there was made a general Invitation of the People by a public Crier. This was celebrated with extraordinary Splendor and Magnificence, the People being presented with public Shows. The *Funus Publicum*, which we meet with so often, may be sometimes understood as the same with the *Indicive Funeral*, and sometimes only as a Species of it. It is the same when it denotes all the State and Grandeur of such Funerals as were held for rich and great Men. It is only a Species of the *Indicive Funeral*, when either it signifies the proclaiming of a *Vacation*, and an Injunction of public Mourning, or defraying the Charges of the Funeral out of the public Treasury. For it is probable that at both these Solemnities, a general Invitation was made by the Crier; yet in this latter it was done by Order of the Senate, and in the former the Will of the deceased Person, or at the Pleasure of his Heirs. But no one will hence conclude, that the Funerals of all such rich Men were attended with the Formality of a *Vacation*, and an Order for public Grief. For this was accounted the greatest Honour that could be shewn to the Bodies of Princes themselves: Thus the Senate decreed a public Funeral for *Syphax*, the once great King of *Numidia*, and for *Perse*, King of *Macedon*, who both died in Prison under the Power of the Ro-

(a) *Dacier on Horace Art. Poet. ver. 471.*





*mans* (a). And *Suetonius* informs us, that *Tiberius* (b), and *Vitellius* (c), were buried with the same State. Yet upon Account of having performed any signal Service to the Common-wealth, this Honour was often conferred on private Men, and sometimes even upon Women, as *Dio* relates of *Attia* the Mother of *Julius Cæsar* (d); and *Xiphilin* of *Livia* (e). Nor was this Custom peculiar to the *Romans*; for *Lærtius* reports of *Democritus*, that deceasing, after he had lived above an hundred Years, he was honoured with a public Funeral. And *Justin* tells us, that the Inhabitants of *Marseilles*, then a *Græcian Colony*, upon the News of *Rome's* being taken by the *Gauls*, kept a public Funeral to testify their Condolence of their Calamity (f).

There seem to have been different Sorts of public Funerals in *Rome*, according to the Magistracies, or other Honours, which the deceased Persons had born. As the *Prætorium*, the *Consulare*, the *Censorium*, and the *Triumphale*. The two last were by much the more magnificent, which though formerly distinguished, yet in the Time of the Emperors, were joined in one, with the Name of *Funus Censorium* only, as *Tacitus* often useth the Phrase. Nor was the *Censorium* Funeral confined to private Persons, but the very Emperors themselves were honoured with the like Solemnity after their Deaths, as *Tacitus* reports of *Claudius* (g) and *Capitolinus* of *Pertinax*.

The *Funus Tacitum*, opposed to the *Indicive*, or public Funeral, was kept in a private Manner, without the Solemnization of Sports, without Pomp, without a Marshaller, or a general Invitation. Thus *Seneca de Tranquill. Anim. Morti natus es: minus molestiarum babet funus tacitum.* And *Ovid. Trist. I. Eleg. 3. 259.*

*Quocunque aspiceres, luctus gemitusque sonabant,  
Formaque non taciti funeris \* instar erat. \* intus.*

This is the same that *Capitolinus* calls *Funus vulgare*, when he reports, that *Marcus Antoninus* was so extremely munificent, as to allow even *vulgar* Funerals to be kept at the Charge of the Public. *Propertius* calls it *plebeium funus*.

—*Ad finit.*

*Plcbei parvæ funeris exequiæ. Lib. 2. El. 12. 23.  
Ausonius, funus commune.*

*Tu gremio in proavi funus commune locatum.*

(a) *Val. Max. lib. 5. cap. 1.*

(b) *cap. 75.*

(c) *cap. 3.*

(d) *Lib. 47.*

(e) *In Tiberio.*

(f) *lib. 43.*

(g) *Annal. 12.*

And Suetonius, *funus translatitium*, when he informs us that *Britannicus* was buried after this Manner by *Nero* (*a*).

To the Silent Funerals may be referred the *Funera acerba*, or untimely Obsequies of Youths and Children; which *Juvenal* speaks of, *Sat. xi. 44.*

*Non præmaturi cineres, non funus acerbum  
Luxuriae, &c.*

And *Virgil*, *AEn. vi. 427.*

*Infantumque animæ flentes in limine primo:  
Quos dulcis vite expertes & ab ubere raptos  
Abstulit atra dies, & funere mersit acerbo.*

The Funeral Ceremonies may be divided into such as were used to Persons when they were dying, and such as were afterwards performed to the dead Corpse.

When all Hopes of Life were given over, and the Soul as it were just ready for its Flight, the Friends and nearest Relations of the dying Party used to kiss him, and embrace his Body till he expired. Thus Suetonius (*b*) relates that *Augustus* expired in the Kisses of *Livia*. Nor need there be any further Proof of a Custom, which every Body is acquainted with. The Reason of it is not so well known: Most probably, they thought by this pious Act to receive into their own Bodies the Soul of their departing Friend. Thus *Aibinovanus* in the Epicede of *Livia*:

*Sospite te saltem moriar, Nero; tu mea condas  
Lumina, & accipias hanc animam ore pio.*

For the Antients believed that the Soul, when it was leaving the Body, made use of the Mouth for its Passage; whence *animam in primo ore*, or *in primis labris tenere*, is to be at *Death's Door*. And they might well imagine the Soul was thus to be transfused in the last Act of Life, who could suppose that it was communicated in an ordinary Kiss, as we find they did from these Love-Verses, recited by *Macrobius*, the Original of which is attributed to *Plato*:

*Dum semibulco suavio  
Meum Puellum suavior,*

(*a*) *Ner. 33.*

(*b*) *August. 91.*

*Dulcemque*

*Dulcemque florem spiritus  
Duco ex aperto tramite,  
Anima tunc ægra & saucia  
Cucurrit ad labia mibi, &c. (a).*

Nor did they only kiss their Friends, when just expiring, but afterwards too, when the Body was going to be laid on the Funeral Pile. Thus *Tibullus*, Lib. 1. Eleg. 1.

*Flebis & arsuro positum me, Delia, letis,  
Tristibus & lacrymis oculis mixta dabis.*

And *Propertius*, Lib. 2. Eleg. 12.

*Osculaque in gelidis pones suprema labellis,  
Cum dabitur Syrio munere plenus onyx.*

Another Ceremony, used to Persons expiring, was taking off their Rings. Thus *Suetonius* reports, that when the Emperor “*Tiberius* swooned away, and was reputed “dead, his Rings were taken from him, though he afterwards recovered, and asked for them again (b)” They are much mistaken, who suppose him to have done this with Design to change his Heir ; for though it was an usual Custom with the Antients to constitute their Heir or Successor, by delivering him their Rings on their Death-bed, yet this signified nothing, in Case a legal Will was produced to the contrary (c).

But whether they took off the Rings to save them from the Persons concerned in washing and taking Care of the dead Body, or on any other Account, it is very probable that they afterwards restored them again to the Fingers, to be burnt in the Funeral Pile ; as may be inferred from that Verse of *Propertius*, where, describing the Ghost of his Mistress in the Habit in which she was burned, he says,

*Et solitum digit. i ryllon adederat ignis.* Lib. iv. El. 7.

The Custom of closing the Eyes of a departing Friend, common both to *Romans* and *Gracians*, is known by any one that has but looked in a classi. Author. It may only here be observed, that this Ceremony was performed for the most Part by the nearest Relation, as by Husbands to their

(a) *Macrobi. Saturn. 1. 2. c. 2.* (b) c. 73. (c) See *Valer. Max. 1. 7. c. 8.*

Wives, and by Wives to their Husbands ; by Parents to their Children, and by Children to their Parents, &c. of all which we have many Instances in the Poets. *Pliny* tells us, that as they closed the Eyes of the dying Persons, so they opened them again when the Body was laid on the Funeral Pile : And his Reason for both Customs is, *ut neque ab homine supremum spectari fas sit, & caelo non ostendi nefas* (a) ; “ because they counted it equally impious, that the Eyes should be seen by Men at their last Motion, or that they should not be exposed to the View of Heaven.”

The Ceremonies used to Persons after they were dead, may be divided into three Sorts ; such as were performed before the Burial, such as concerned the Act of the Funeral, and such as were done after that Solemnity.

Before the Burial, we meet with the Customs of washing and anointing the Corpse, not by any Means peculiar to the *Romans*, but antiently used by almost all the civilized Nations of the World, owing their first Rise to the *Egyptians*. These Offices in *Rome* were either performed by the Women whom they termed *Funeræ* ; or else in richer or nobler Families by the *Libitinarii*, a Society of Men who got their Livelihood by preparing Things for the Solemnization of Funerals. They had their Names from *Libitina* the Goddess, who presided over Obsequies. Hence the Word *Libitina* is often used for Death itself ; or for every Thing in general relating to the Funerals ; because in the Temple of that Goddess, all Necessaries, proper for such Occasions, were exposed to Sale. *Pbædrus* alludes to this Custom, speaking of a covetous Miser, *Lib. 4. Fab. 19.*

*Qui circumcidet omnem impensam Funeris,  
Libitina ne quid de tuo faciat lucrum.*

But to return to the *Libitinarii*, they seem to have been the chief Persons concerned in ordering Funerals, undertaking the whole Care and Charge of such a Solemnity at a set Price ; and therefore they kept a great Number of Servants to perform the working Part, such as the *Pollinæores*, the *Vespillones*, &c. The first of these were employed to anoint the dead Body. In Allusion to this Custom of anointing the Corpse, *Martial* (iii. 12.) plays very genteely on the Master of an Entertainment, where there was much Essence to be got, but very little Meat ;

(a) *Lib. 11.*

*Unguentum fateor bonum dedisti  
Convivis, here; sed nihil scidisti.  
Res falsa est bene clere & esurire.  
Qui non caenat, & ungitur, Fabulle,  
Is vere mihi mortuus videtur.*

When the Body had been washed and anointed, they proceeded to wrap it in a Garment: The ordinary People for this Purpose made Use of the common Gown; and though in some Parts of *Italy* the Inhabitants were so rude as not to wear the Gown while they lived, yet *Juvenal* informs us that they did not want it at their Death;

*Pars magna Italiæ est, si verum admittimus, in qua  
Nemo togam sumit nisi mortuus.* Sat. iii. 171.

But those who had born any public Office in the State, or acquired any Honour in War, were after their Death wrapped in the particular Garment which belonged to their Place, or to their Triumph; as *Livy* (a) and *Polybius* (b) expressly report. It may here be observed, that the Antients were so very careful and superstitious, in Reference to their Funeral Garments, that they often wove them for themselves and their Friends during Life. Thus *Virgil* brings in the Mother of *Euryalus* complaining,

— *Nec te, tua funera, mater  
Produxo, pressive oculis, nec vulnera levi:  
Veste tegens, tibi quam noctes fessina disque  
Urgebam, & tela curas solabam aniles.* Æn. ix. 486.

If the Deceased had by his Valour obtained any of the honourable Coronets, it was constantly put on his Head, when the Body was dressed for the Funeral; that the Reward of Virtue might in some Measure be enjoyed after Death; as *Cicero* observes in his second Book of *Lev.* Other Persons they crowned with Chaplets of Flowers, and with those too adorned the Couch on which the Body was laid. The primitive *Christians* inveighed severely against this Custom, as little less than idolatry, as is to be seen particularly in *Minutius Felix* (c) and *Tertullian* (d).

(a) Lib. 34. (b) Lib. 6. (c) Cœsar. pag. 103. Edit. O: on. (d) De Corona Milt.

The next Ceremony was the *collocatio* or *laying out* of the Body, performed always by the nearest Relations. Whence Dio censures Tiberius for his Neglect of Livia, ἡτε νοσησαν ἐπισκέψατο, οὐτε ἀποθανεσαν αὐτὸς προσέθετο. *He neither visited her, when she was Sick, nor laid her out with his own Hands, after she was dead.*

The place where they laid the Body, was always near the Threshold, at the Entrance of the House.

—*recipitque ad limina greffum,*  
*Corpus ubi exanimi positum Pallantis Acætes*  
*Servabat senior.* Virg. Æn. xi. 29.

And they took particular Care in placing the Body, to turn the Feet outward, toward the Gate, which Custom Persius has left us elegantly described in his third Satyr. 193.

—*tandemque beatulus alto*  
*Compositus lecto, crassisque lutatus amomis,*  
*In portam rigidos calces extendit*—

The Reason of this Position was to shew all Persons, whether any Violence had been the Cause of the Party's Death, which might be discovered by outward signs.

We must not forget the *Conclamatio*, or general Cry set up at such Intervals before the Corpse, by Persons who attended on Purpose. This was done, either because they hoped by this Means to stop the Soul which was now taking its Flight, or else to awaken its Powers, which they thought might only lie inactive in the Body. For the first Reason we are beholden to Propertius : iv. 7.

*At mibi non oculos quisquam inclamavit euntes,*  
*Unum impetrasset te revocante diem.*

The other is taken from the Explication of this Custom by Servius, on the sixth of the *Aeneids*, and seems much the more probable. For the Physicians give several Instances of Persons, who being buried through Haste, in an Apoplectic Fit, have afterwards come to themselves, and many Times miserably perished for Want of Assistance.

If this did not avail, the Deceased was said to be *Conclamatus*, or past Call, to which practice there are frequent

quent Allusions in almost every Author. *Lucan's* is very elegant.

—*Sic funere primo*  
*Attonitæ tacuere domus, quum corpora nondum*  
*Conclamata jacent, nec mater crine soluto*  
*Exigit ad fævos famularum brachia planctus.* Lib. 2.

There is scarce any Ceremony remaining which was performed before the Burial, except the Custom of setting up some Sign, by which the House was known to be in Mourning. This among the *Romans* was done by fixing Branches of Cypress, or of the Pitch-tree, near the Entrance; neither of which Trees being once cut down ever revive, and have on that Account been thought proper Emblems of a Funeral (*a*):

Thus much was done before the Funeral: In the Funeral we may take Notice of the *Elatio*, or Carrying forth, and the Act of Burial. What concerns the first of these, will be explained in observing the Day, the Time, the Persons, and the Place. What Day after the Person's Death was appointed for the Funeral, is not very well agreed on. *Servius* on that Passage of *Virgil*, *AEn.* 5. Ver. 65.

*Præterea, si nona dies mortalibus ægris, &c.*

expressly tells us, that the Body lay seven Days in the House, on the eighth Day was burned, and on the ninth buried. But there are many Instances to prove that this set Number of Days was not always observed. Therefore perhaps this belonged only to the Indi&tive and Public Funerals, and not to the Private and Silent, especially not to the *acerba Funera*, which were always performed with great Haste. Thus *Suetonius* reports of the Funeral of *Britannicus* (*b*), and of the Emperor *Otho* (*c*): And *Cicero pro Cluentio*, *Et ipso die puer cum hora undecima in publico & valens visus esset, ante noctem mortuus, & postridie ante lucem combustus.*

As to the Time of carrying forth the Corpse, antiently they made use only of the Night; as *Servius* observes on those Words of *Virgil*,

—*De more vctufla*  
*Funereas rapuere faces.* *AEn.* xi. v. 142.

(a) *Plin.* lib. 16. cap. 33. *Serv. ad AEn.* 4. (b) *Ner.* 32. (c) *Oth.* 81.  
 B b 3 The

The Reason he gives for it is, that hereby they might avoid meeting with the Magistrates or Priests, whose Eyes they thought would be delighted by such a Spectacle. Hence the Funeral had its Name *a funeris*, from the Torches; and the *Poplumus*, or *Luppersus*, were to called from *Vespera* the Evening.

Nothing is more evident, than that this Custom was not long observed, at least in the public Funerals, though it seems to have been continued in the silent, and private, as *Servius* acquaints us in the same Place. Hence *Nero* took a fair Excuse for burring his Brother *Britannicus*'s Burial. For *Tacitus* reports that the Emperor defended this haste which caused so much Talk and Suspicion in a public Edict; urging that it was agreeable to the old Institutions, to hide such untimely Funerals from Mens Eyes as soon as possible, and not detain them with the tedious Formalities of Harangues, and pompous Processions. It may not be too nice a Remark, that in the more splendid Funerals, the former Part of the Day seems to have been designed for the Procession. Thus *Plutarch* relates of the Burial of *Sylla*, that the "Morning being very cloudy, they deferred carrying forth the Corpse till the ninth Hour, or three in the Afternoon." But though this Custom of carrying forth the Corpse by Night, in a great Measure, ceased, yet the bearing of Torches and Tapers still continued in Practice. Thus *Virgil* in the Funeral of *Pallas*, *Aen.* xi. 144.

— *Lucet via longo  
Ordine flammarum, & late discriminat agros.*

And *Perseus*, Sat. iii. 103.

*Hinc tuba, candelæ, &c.*

And because Tapers were likewise used at the Nuptial Solemnity, the Poets did not fail to take the Hint for bringing them both into the same Thought. As *Propertius*, Book iv. Eleg. last.

*Viximus insignes inter ultramque faciem.*

And *Ovid*, in the Epistle of *Cydippe* to *Acontius*: 172.

*Et face pro thalami, fax mihi mortis erat.*

Among the Persons concerned in carrying forth the Corpse, we may begin with those that went before the Funeral-Bed, such as the *Siticines*, the *Preficeæ*, the *Ludii* and *Histriones*, the new Freed-men, the Bearers of the Images, &c. The Name of the *Siticines*, *A. Gellius* (*a*) derives from *Situs* and *Cano*, from playing to the Dead. They were of two Sorts, some sounding on the Trumpet, others on the Flute or Pipe. That the Trumpets had a Share in this Solemnity, we learn from *Virgil* in the Funeral of *Pallas*, *AEn.* xi. 192.

*Exoritur clamorque virum, clangorque tubarum.*

And from *Propertius*, Book ii. Eleg. 7.

*Ab! mea tum quales caneret tibi, Cynthia, somnos  
Tibia, funesta tristior illa tuba.*

And *Plutarch* tells a Story of a Magpye, that upon hearing the Trumpets at the Funeral of a rich Man, for some Time after quite lost her Voice, and could raise no Manner of Note; when, on a sudden, as if she had been all this while deeply meditating; she whistled exactly the same Tunes that the Trumpets had played, and gave all the Turns and Changes to Admiration (*b*).

For it is likely that the Trumpets were used only in the public Funerals, to give the People Notice to appear at the Solemnity, as *Lipsius* instructs us (*c*).

The *Tibicines* some restrain to the Funerals of Children, and younger Persons, as *Servius* observes on the first of the *Aeneids*, and *Statius*, *Theb.* 6. in the Funeral of *Achæmonus*;

*Tum signum luctus cornu grave mugit adunc  
Tibia, cui teneros suetum producere manes.*

The learned *Dacier* has declared himself of the same Opinion (*d*). But it is certain that this cannot always have been the Case. For *Suetonius* mentions the *Tibiae* in the Funeral of *Julius Cæsar* (*e*), and *Seneca* in that of *Claudius*, in his *Apocolocyntosis*. And *Ovid* says of himself in plain Words,

*Interea nosiri quid agant nisi triste libelli?  
Tibia funeribus convenit ista meis.* Trist. v. Eleg. 1.

(*a*) Lib. 20. cap. 2.    (*b*) *Plut.* de *Animal. Solent.*    (*c*) *D.* *Militia*, lib. 4. cap. 10.    (*d*) *Hirace.* Book i. Sat. vi. v.44.    (*e*) Cap. 83.

Therefore it seems more probable, that the Flutes or Pipes were used in all Sorts of Funerals, as the most accurate Kirchman has given his Judgment.

It appears from the Figures of Trumpets and Flutes on the old Monuments, that the Instruments of those Kinds, used at Funeral Solemnities, were longer than the ordinary ones; and so fitted to give a sharper and more mournful Sound. Hence Ovid calls the Funeral Trumpet *longa tuba*.

*Pro longa resonent carmina vestra tuba.* Amor. ii. El. 6. 6.

After the Musicians went the *Preficæ*, or the mourning Women, hired on Purpose to sing the *nænia* or *læsus*, the Funeral Song, filled with the Praises of the Deceased; but for the most Part trifling and mean. Hence the Grammarian in *Gellius* took his sarcasm against the Philosophers, *Vos Philosophi mera effis* (*ut M. Cato ait*) *mortuaria Glosaria*. *Namque collegitis & lectitatis res tetras & manes & frivulus tanquam mulierum voces præficarum* (*a*): “ You Philosophers “ (as Cato says) are mere Dealers in Trash; for you read and “ collect a Parcel of empty frivolous Matter, such as the “ old Women whine out, who are hired to sing the mourn-“ ing Song at a Funeral.”

That the *Ludii* and *Histriones*, the Mimics and Players, went before the Funeral-bed, and danced after the satyric Manner, we have the Authority of *Dionysius* in his ninth Book. And *Suetonius* tells a Story of the Arch-mimic who acted at the Funeral of *Vespasian* (*b*).

The Custom for the Slaves to go with their Caps on before the Corpse, and to be thereupon made free, is confirmed by a Law of *Justinian*, and we meet with many Examples of it in History.

As to the Beds or Couches born before in the Funeral Solemnity, the Design of these was to carry the waxen Images of the deceased Person's Ancestors; which were therefore used only in the Funerals of those who had the *jus imaginum*, the Right of keeping the Effigies of the Men of their Family, which at Home were set up in wooden Presses, and taken thence to be publicly shewn after this Manner, on the Death of any of their near Relations (*c*). Before the Corpse of Princes, or some extraordinary Persons, not only

(*a*) *A Gell. lib. 18, cap. 7.* (*b*) *Cap. 19.* (*c*) *Plin. N. H. lib. 35, cap. 2.*

the Effigies of their Ancestors, but the Statues too of other great Men were born in State. Thus *Augustus* ordered Six hundred Beds of Images to be carried at the Funeral of *Marcellus*; and *Sylla* the Dictator had no less than Six thousand (a).

Besides all this, such as had been eminent for their Achievements in War, and gained any considerable Conquest, had the Images and Representations of the Enemies they had subdued, or the Cities they had taken, or the Spoils won in Battle; as *Dionysius* (b) reports in the Funeral of *Coriolanus*, and *Dio* (c) in that of *Augustus*. This Custom *Virgil* alludes to in the Funeral of *Pallas*: xi. 78.

*Multaque præterea Laurentis præmia pugnæ  
Aggerat, & longo prædam jubet ordine duci.*

And a little after;

*Indutoisque jubet truncos hostilibus armis  
Ipsos ferre duces, inimicaque nomina figi.*

The *Lictors* too made a Part of the Procession, going before the Corpse to carry the *Fasces*, and other Ensigns of Honour, which the Deceased had a Right to in his Life-time. It is very remarkable, that the Rods were not now carried in the ordinary Posture, but turned quite the contrary Way, as *Tacitus* reports in the Funeral of *Germanicus* (d). Hence *Albinovanus* in the Funeral of *Drusus*:

*Quos primum vidi fasces, in funere vidi,  
Et vidi versos, indiciumque mali.*

We may now go on to the Persons who bore the Bier, or the Funeral-Bed; and these were for the most Part the nearest Relations, or the Heirs of the Deceased. Hence *Horace*, Book ii. Sat. 5.

— — — — — *Cadaver*  
*Unctum oleo largo nudis humeris tulit bæres.*

(a) *Servius* in *Aen.* 11.  
nat. 3.

(b) lib. 8.

(c) lib. 56.

(d) *An-*

And *Juvenal*, Sat. x. 158.

*Inclumi Troja, Priamus venisset ad umbras  
Affaraci magnis solemnibus, Hectore funus  
Portante, & reliquis fratrum cervicibus—*

Thus they report of *Metellus* who conquered *Macedon*, that he was carried to the Funeral Pile by his four Sons; one of whom was the *Prætor*, the other three had been all *Consuls*, two had triumphed, and one performed the Office of *Censor* (a).

Sometimes Persons who had deserved highly of the Commonwealth, were born at their Funerals by the Magistrates, the Senators, or the chief of the Nobility. Thus *Plutarch* relates of *Numa*; *Suetonius* of *Julius Cæsar* (b); and *Tacitus* of *Augustus* (c). And the very Strangers and Foreigners, that happened to be at *Rome* at the Death of any worthy Person, were very desirous of signifying their Respect to his Memory, by the Service of carrying the Funeral-Bed: As *Plutarch* tells us in the Funeral of *Paulus Aemilius*, that as many *Spaniards*, *Ligurians*, and *Macedonians*, as happened to be present at the Solemnity, that were young and of vigorous Bodies, took up the Bed, and bore it to the Pile.

Persons of meaner Fortunes, and sometimes great Men too, if they were hated by the People, were carried to their Burial by the *Vespillones* or *Sandapilones*, who lived by this Employment. Thus *Suetonius* (d) and *Eutropius* (e) relate of the Emperor *Domitian*. Therefore in this last Way of bearing, we may suppose them to have used the *Sandapila* or common Bier, as in the former the *Lecticæ* or *Lecti*, the Litters or Beds. This Bier is what *Horace* and *Lucan* call *vilos Arca*.

—*Angustis ejecta cadavera cellis  
Conservus vili portanda locabat in arca*, Hor. L. I. S. 8.

*Da vitem magno plebeii funeris arcam,  
Quæ lacerum corpus siccos effundat in ignes.* Luc. L. 8.

It is worth observing, that sometimes the Bier or Bed was covered, and sometimes not. It was exposed open, if the

(a) *Plin.* lib. 7, cap. 44. *Vet. Max.* lib. 7. (b) cap. 84. (c) *Annal.* I.  
(d) cap. 17. (e) lib. 7.

Party had died a natural Death, and was not very much deformed by the Change; and therefore sometimes they used to paint the Face, especially of Women, to make them appear with more Advantage. *Dio* tells us in the Life of *Nero*, that he daubed the Body of *Britannicus* over with a Sort of White-wash, to hinder the Blueness of the Flesh, and such other Marks of the Poison, from being discovered; but a great Rain falling at the Time of the Procession, washed off the Paint, and exposed the fatal Tokens to the View of the whole People.

But if the Visage was very much distorted, or upon some other Account not fit to be shewn, they threw a Covering over the Bed. Thus *Paterculus* reports that *Scipio Africanus* was carried forth to Burial *velato capite* (a). Sometimes too when the Face or the Head had been greatly bruised; as if the Fall of a House, or some such Accident, had occasioned the Party's Death, they used to enclose the Head and Face in a Mask, to hinder them from appearing: And the Funerals in which this was practised, they termed *larvata funera*.

But the greatest Part of the Persons were those that followed the Corpse. These in private Funerals were seldom many besides the Friends and Relations of the Deceased; and it was very usual in the Will to bestow Legacies upon such and such Persons, upon Condition they should appear at the Funeral, and accompany the Corpse. But at the *Indiclive* on public Funerals, the whole City flocked together upon the general Invitation and Summons. The Magistrates and Senators were not wanting at the Procession, nor even the Priests themselves, as we find in the Funeral of *Numa* described by *Plutarch*.

To give an Account of the Habit and Gesture of the Mourners, or of the Relations and others that followed the Corpse, is in a great Measure unnecessary; for the weeping, the bitter Complaints against the Gods, the letting loose the Hair, or sometimes cutting it off, the changing the Habit, and the laying aside the usual Ornaments, are all too well known to need any Explication. Yet there are many Things singular in these Subjects, which deserve our farther Notice. Thus they did not only tear or cut off their Hair, but had a Custom to lay it on the Breast, or sometimes on the Tomb of the deceased Friend. Hence *Ovid* of the Sisters of *Narcissus*:

(a) Lib. 2.

—*Planxere sorores*

*Naiades & sc̄t̄os fratri imposuere capillos.*

And *Statius*, Theb. 7.

—*Tergoque & pectore fusam*

*Cæſariem ferro minuit, sc̄t̄isque jacentis*

*Obnubit tenuia ora comis*—

It is no less observable, that at the Funerals of their Parents, the Sons Heads were covered, and the Daughters uncovered: Perhaps only to exceede as far as possible from their ordinary Habit. Yet it is likely that in ordering the Sons to cover their Heads at such Solemnities, they had regard to the common Praetice of always wearing something on their Heads when they worshipped the Gods, and especially when they were present at a Sacrifice. The Original and Grounds of this Superstition are most admirably given by *Virgil*, in the Prophet *Hellenus's* Instructions to *Aeneas*:

*Quin ubi transmissæ steterint trans æquora classes,*

*Et positis aris, jam vota in littore solves,*

*Purpurea velare comes adopertus amictu:*

*Ne qua inter sanctos ignes in honore deorum*

*Hostilis facies occurrat, & omnia turbet.*

*Hunc socii morem sacrorum, hunc ipse teneto.*

*Hac casti maneant in religione nepotes.* AEn. iii. 403.

As to the Mourning Habits, it has been already observed (*a*) that the Senators sometimes upon these Occasions went attired like Knights, the Magistrates like Senators, &c. and that the common Wear for Mourning was Black. But we may farther remark, that though this was the ordinary Colour to express their Grief, used alike by both Sexes; yet after the Establishment of the Empire, when Abundance of Party-Colours came in Fashion, the old primitive White grew so much in Contempt, that at last it became proper to the Women for their Mourning Cloaths. Thus *Statius* in the Tears of *Hetruscus*:

*Huc vittata comam niveoque insignis amictu*  
*Mitibus exequiis ades.*

And though it may with some Reason be thought that the Poet here, directing his Speech to the Goddess Piety, gives

(*a*) Book 5. cap. 7.

her that Habit, rather as a Mark of Purity and Innocence, than as the proper Badge of Grief in her Sex; yet the Matter of Fact is still evident from the Authority of *Plutarch*, who states this as the Subject of one of his Problems, and gives several Reasons for the Practice.

After the PERSONS follow the PLACE whither the Procession was directed, by which we must be guided in our next Enquiry. In all the Funerals of Note, especially in the public or *Indictive*, the Corpse was first brought with a vast Train of Followers into the *Forum*. Thus *Horace*, Book i. Sat. 6.

— At hic si plaustra ducenta,  
Concurrantque foro tria funera, magna sonabit  
Cornua quod vincatque tubas.

Here one of the nearest Relations ascended the *Rostra*, and made an Oration in Praise of the Deceased. If none of the Kindred undertook the Office, it was discharged by some of the most eminent Persons in the City for Learning and Eloquence, as *Appian* reports of the Funeral of *Sylla* (a). And *Pliny* the younger reckons it as the last Addition to the Happiness of a very great Man, that he had the Honour to be praised at his Funeral by the most eloquent *Tacitus*, the Consul (b); which is agreeable to *Quintilian*'s Account of this Matter, *Nam & funebres*, &c. “ For the Funeral Orations (says he) depend very often on some public Office, and by Order of Senate are many Times given in Charge to the Magistrates to be performed by themselves in Person (c).”

The Invention of this Custom is generally attributed to *Valerius Poplicola*, soon after the Expulsion of the Regal Family. *Plutarch* tells us, that “ honouring his Colleague's Obsequies with a Funeral Oration, it so pleased the *Romans*, that it became customary for the best Men to celebrate the Funerals of great Persons with Speeches in their Commendation.”

Nor was this Honour proper to one Sex alone, for *Livy* reports, that “ the Matrons, upon Account of making a Collection of Gold for the Deliverance of *Rome* from the *Gauls*, were allowed as a signal Favour to have Funeral Panegyries in the same Manner as the Men.” *Plutarch*'s Relation of this Matter differs from *Livy* only in the Reason of the Custom: He acquaints us, “ that when it was agreed after the Taking of *Veii*, that a Bowl of massy Gold should be made

(a) *Euseb.* lib. 1.

(b) Lib. 2. Epist. 1.

(c) *Institut.* lib. 3. cap. 9.  
“ and

" and sent to *Delphi*, there was so great a Scarcity of Gold,  
 " and the Magistrates so perplexed in considering how to  
 " get it, that the *Roman* Ladies meeting together and con-  
 " sulting among themselves, out of the golden Ornaments  
 " that they wore, contributed as much as served for mak-  
 " ing the Offering, which in Weight came to eight Talents  
 " of Gold. The Senate, to give them the Honour they  
 " had deserved, ordained that Funeral Orations should be  
 " used at the Obsequies of Women as well as of Men, which  
 " had never been a Custom before." But it seems probable,  
 that this Honour was at first only paid to antient Matrons ;  
 since we learn from the same excellent Author, that there  
 was no Precedent of any Funeral Oration on a young Wo-  
 man, till *Julius Cæsar* first made one upon the Death of his  
 own Wife.

*Cicero* (a) and *Livy* (b) complain very much of this Custom of Funeral Speeches, as if they had conduced in a great Measure to the Corruption and Falsifying of History. For it being ordinary on these Occasions to be directed more by the Precepts of Oratory, than by the true Matter of Fact, it usually happened, that the deceased Party was extolled on the Account of several noble Atchievements, to which he had no just Pretensions: And especially when they came to enquire into their Family, as was customary at these Solemnities, they seldom failed to insert three or four of the most renowned Persons of the Commonwealth, to aggrandize the Family of the Deceased ; and so by Degrees almost ruined all proper Distinctions of Houses and Blood.

The next Place, to which the Corpse was carried, was the Place of Burning or Burial. It has been a Custom amongst most Nations to appoint this without the City, particularly among the *Jews* and *Greeks*; from whom it may be supposed to have been derived to the *Romans*. That the *Jews* buried without the City, is evident from several Places of the *New Testament*. Thus the Sepulchre, in which *Joseph* laid our Saviour's Body, was "in the same Place in which he was " crucified (c)," which was *near to the City* (d). And we read in St. *Mattthew*, that at our Lord's Passion "the Graves " were opened, and many Bodies of the Saints which slept " arose, and came out of their Graves after his Resurrection, " and went into the Holy City, and appeared unto many (e)."

As to the *Græcians*, *Servius* in an Epistle to *Tully* (f), giving an Account of the unhappy Death of his Colleague *Mar-*

(a) In *Bruto*. (b) Lib. 3 (c) *Ibid* xix. 41. (d) *John* xix. 20.  
 (e) *Mattthew* xxvii. 52, 53. (f) *Famili. lib. 4. Epist. 12.*  
*cellus,*

*cellus*, which happened in *Greece*, tells him, That he could not by any Means obtain Leave of the *Atbenians* to allow him a Burying-place within the City, they urging a religious Restraint in that Point, and the Want of Precedent for such a Practice.

The *Romans* followed the same Custom from the first Building of the City, which was afterwards settled in a Law by the *Decemviri*, and often revived and confirmed by subsequent Institutions. The Reason of this antient Practice may be resolved into a sacred and a civil Consideration. As to the former, the *Romans*, and most other People, had a Notion, that whatever had been consecrated to the supernal Gods, was presently defiled upon the Touch of a Corpse, or even by bringing such a Spectacle near it. Thus *A. Gellius* tells us, that the *Flamen Dialis* might not on any Account enter into a Place where there was a Grave; or so much as touch a dead Body (*a*). And if the *Pontifex Maximus* happened to praise any one publicly at a Funeral, he had a Veil always laid over the Corpse to keep it from his Sight; as *Dio* reports of *Augustus* (*b*), and *Seneca* of *Tiberius* (*c*). It is likely that this might be borrowed from the *Jewish* Law, by which the High Priest was forbid to use the ordinary Signs of Mourning, or to go near any dead Body (*d*).

The civil Consideration seems to have been, that neither the Air might be corrupted by the Stench of putrified Bodies, nor the Buildings endangered by the Frequency of Funeral Fires.

The Places then, appointed for Burial without the City, were either private or public; the private Places were the Fields or Gardens belonging to particular Families. Hence *Martial* took the Jest in one of his Epigrams, on a Gentleman that had buried several Wives:

*Septima jam, Phileros, tibi conditur uxor in agro.  
Plus nulli, Phileros, quam tibi reddit ager.*

If it was possible, they always buried in that Part of the Field or Garden which lay nearest to the high Road, both to put Passengers in Mind of Mortality, and to save the best Part of their Land. Thus *Juvenal*, Sat. I.

—*Experiar quid concedatur in illo  
Quorum Flaminiâ tegitur ciu's atque Latinâ.*

(*a*) *Lib. 10. cap. 15.*

(*b*) *Lib. 54.*

(*c*) *Consolat. ad Mat. cap. 15.*

(*d*) *Levit. xxi. 10, 11.*

And we have scarce any Relation of Burying in Authors, but they tell us the Urn was laid near such a *Way*. *Propertius* is very earnest in desiring that he may not be buried after this ordinary Custom, near a frequented Road, for Fear it should disturb his Shade :

*Di faciant, mea ne terrâ locet offa frequenti,  
Quâ faciat assiduo tramite vulgus iter.*

*Post mortem tumuli sic infamantur amantum :  
Me tegat arboreâ devia terra comâ :*

*Aut bumet ignotæ cumulis vallatus arenæ.*

*Non juvat in mediâ nomen habere viâ.* Lib. 3. Eleg. 15.

The public Burying Places were of two Sorts; those which were allotted to the Poor, and those which were put to this Use only at the Funerals of great Persons. The former were the *Puticulæ*, or *Puticuli*, without the *Esquilian Gate*; they contained a great Quantity of Ground, and were put to no other Use, than the burying of the Bones and Ashes of Persons of the lowest Rank, who had no private Place of their own to lay the Corpse in. But because the vast Number of Bones deposited here, infecting the Air, rendered the Neighbouring Parts of the City unhealthy, *Augustus* gave away a great many Acres of this common Field to his Favourite *Mæcenas*, who turned it into fine Gardens. This *Heraclæs* tells us at large, Book 1. Sat. 8.

*Huc prius angustis ejœcta cadavera cellis  
Conservus vili portanda locabat in arca :  
Hoc miseræ plebi stabat commune sepulchrum, &c.*

The public Place assigned for the Burial of great Persons, was commonly the *Campus Martius*. This Honour could not be procured but by a public Decree of Senate, and was never conferred but on Men of the highest Stations and Merits. Thus *Plutarch* relates of *Lucullus* and *Pompey*; *Appian* of *Sylla* (a), *Suetonius* of *Druſus* (b), and *Virgil* of *Marcellus*.

*Quantos ille virum magnam Mavortis ad urbem  
Campus aget gemitus? vel quæ, Tiberine, videbis  
Funera, cum tumulum præterlabere recentem!* Æn. 6.

(a) Ἐμφυλ. lib. 1.

(b) Claud. cap. 1.

It has been said, that the ordinary Custom was to bury without the City; but we must except some Sepulchres, as those of the *Vestal Virgins*, to whom *Servius* tells us the Laws allowed a burying Place within the City (*a*). The same Honour was allowed to some extraordinary Persons, as to *Valerius Poplicola* (*b*), and to *Fabritius* (*c*), and continued to their Heirs. Yet none of the Family were afterwards there interred, but the Body being carried thither, one placed a burning Torch under it, and then immediately took it away; as an Attestation of the deceased's Privilege, and his receding from his Honour: And then the Body was removed to another Place.

*Cicero* in his ninth *Philippic* moves, that *Servius Sulpicius*, upon Account of his many signal Services to the Commonwealth, may be honoured with a public Sepulchre in the *Campus Esquilinus*, or any other Place where the Consul should please, thirty Feet in Dimension every Way, and to remain to his Heirs and Posterity. But there are not many Instances of the like Practice.

Having done with the *carrying forth*, we come to the *Act of Burying*. The Corpse being brought in the Manner already described, without the City, if they designed to burn it, was carried directly to the Place appointed for that Purpose, (which, if it was joined with the Sepulchre, was called *Bustum*, if separate from it, *Ustrina*) and there laid on the *Rogus* or *Pyra*, a Pile of Wood prepared to burn it on. This Pile was built in the Shape of an Altar, differing in Height according to the Quality of the Deceased. Thus *Virgil* in the Funeral of *Misenus*, *AEn. 6.*

— *Aramque sepulchri  
Congerere arboribus, cœloque educere certant.*

And *Ovid* against *Lis*:

*Et dare piceo corpus inane rogo.*

The Trees, which they made Use of, were commonly such as had most Pitch or Rosin in them; and if they took any other Wood, they split it, for the more easy catching Fire:

*Procumbunt piceæ, sonat icta securibus ilex,*

(*c*) *Ad AEn. 9.*

(*b*) *Plutarch* in his *Life*.

(*c*) *Cicer.*

*Fraxineæque træbes; cuncis & fissile robur  
Scinditur.* — Virg. Æn. 6.

Round the Pile they used to set Cypress Trees, perhaps to hinder the noisom Smell of the Corpse. This Observation is owing to *Virgil* in the same Place:

*Ingentem struxere pyram; cui frondibus atris  
Intexunt latera, & ferales ante cupressos  
Conflituunt.*

That the Body was placed on the Pile, with the Couch or Bed on which it lay, we have the Authority of *Tibullus*, Book 1. El. 1.

*Flebis & arsuro possum me, Delia, lecto.*

This being done, the nearest Relation performed the Ceremony of lighting the Pile; which they did with a Torch, turning their Face away, as if it was done out of Necessity, and not willingly. Thus *Virgil*, Æn. 6.

——— *Subiectam, more parentum,  
Aversi tenuere facem.*

As soon as the Wood took Fire, they prayed for a Wind to assist the Flames, and hasten the consuming of the Body, which they looked on as a fortunate Accident. Thus *Cynthia* in *Propertius*:

*Cur ventos non ipse rogis, ingrate, petisti?*

And *Plutarch* in the Life of *Sylla* reports, “ That the Day being cloudy, they deferred carrying forth the Corpse till about Three in the Afternoon, expecting it would rain: But a strong Wind blowing full against the Funeral-pile, and setting it all on a Flame, his Body was consumed in a Moment. As the Pile shrank down, and the Fire was going out, the Clouds showered down, and continued raining till Night. So that his good Fortune was firm even to the last, and did, as it were, officiate at his Funeral.”

At the Funerals of the Emperors or renowned Generals, as soon as the Wood was lighted, the Soldiers and all the Company

Company made a solemn Course (*Decurso*) three Times round the Pile, to show their Affection to the Deceased ; of which we have numerous Examples. *Virgil* has not forgot to express this Custom :

*Ter circum accensos cincti fulgentibus armis  
Decurrere rogos ; ter mœstum funeris ignem  
Lustravere in equis, ululatusque ore dedere.* AEn. 11.

The Body was never burnt without Company ; for because they fancied that the Ghosts delighted in Blood, it was customary to kill a great Number of Beasts, and throw them on the Pile.

*Multa boum circa maclantur corpora morti,  
Setigerasque fues, raptasque ex omnibus agris  
In flammam jugulant pecudes*—*Virg.* AEn. 11.

In the more ignorant and barbarous Ages, they used to murder Men, and cast them into the Funeral Flames of Princes and Commanders. The Poets never burn a Hero without this inhuman Ceremony. *Homer* gives *Patroclus*

Δάδεκα μὴν Τρώων μεγαθύμον τίκταις ἐσθλόν.

And *Virgil*, lib. 10.

*Quatuor hic juvenes, totidem quos educat Ufens,  
Viventes rapit ; inferias quos immolet umbris,  
Captivoque rogi perfundat sanguine flummas.*

But besides those, there were Abundance of other Things thrown into the Flames : These consisted for the most Part of costly Garments and Perfumes thrown on the Body as it burned. Thus *Virgil*, AEn. 6.

*Purpureasque super vestes, velamina nota,  
Conjiciunt :*

And *Plutarch* makes the extravagant Expences of *Cato Junior*, at the Funeral of his Brother *Cæpio*, to have been taken up in “ a vast Quantity of costly Garments and Per-“ fumes.”

All the precious Gums, Essences, and Balsams, that the Antients were acquainted with, we find employed in their

Funerals: Hence *Juvenal* describes a Fop that used Abundance of Essence:

*Et matutino sudans Crispinus amomo,  
Quantum vix redolent duo funera.*—Sat. 4.

The Soldiers and Generals had usually their Arms burnt with them on the Pile. Thus *Virgil* in the Funeral of *Misenus*:

—*Decorantque super fulgentibus armis,* Æn. 6.

And in another Place he adds the Spoils taken from the Enemy:

*Hinc alii spolia occisis direpta Latinis  
Conjiciunt igni, galeas ensesque decoros,  
Frænaque ferventesque rotas: pars, munera nota,  
Ipsorum clypeos, & non felicia tela.* Æn. 11.

When the Pile was burnt down, they put out the Remains of the Fire, by sprinkling Wine on it, that they might more easily gather up the Bones and Ashes.

*Postquam collapsi cineres, ac flamma quievit,  
Rolluias vino & bibulam lavere favillam.* Virg. Æn. 6.

This gathering up the Bones and Ashes, and putting them into the Urn, was the next Office paid to the Deceased, which they termed *offilegium*. The whole Custom is most fully and elegantly described by *Tibullus* in his third Book, *Eleg. 2.*

*Ergo ubi cum tenuem, &c.*

How the Ashes and Bones of the Man came to be distinguished from those of the Beasts, and Wood, and other Materials, is not easy to be conceived, unless we suppose the Difference to have arose from the artificial placing of the Corpse on the Pile, so that every Thing else should fall away on each Side, and leave the human Relics in a Heap by themselves.

Nothing now remained but to put the Urn into the Sepulchre, sprinkle the Company with lustral Water, and dismiss them. Virg. Æn. 6.

*Offaque leta cedo texit Chorinæus abens:  
Idem ter socios purâ circumtulit undâ,*

*Spargens*

*Spargens rore levæ, & ramo felicis olivæ,  
Lusfravitque viros, dixitque novissima verba.*

These *novissima verba* were either directed to the Deceased or to the Company. The Form, which they used to the Deceased was, *Vale, vale, vale, nos te ordine, quo natura permiserit, cuncti sequemur.* That with which the *Præfica* dismissed the People, was *ILICE T,* i. e. *ire licet.* As they went away, they had a Custom of wishing for *light Earth,* to lay on the Relics, which they reckoned a great Happiness. Hence it is an usual Inscription on antient Monuments *S. T. T. L.* or *Sit tibi terra letis.*

To enquire into the Original of Sepulchres, their several Kinds and Forms, the Variety of Ornaments, the Difference of Inscriptions, and the many Ways of violating the Tombs of the Dead, would be too nice a Disquisition for the present Design. Yet we must not pass by the *Cenotaphia* or Monuments erected on a very singular Account, either to Persons buried in another Place, or those who had received no Burial, and whose Remains could not be found.

Thus *Suetonius* tells us, that the Soldiers in *Germany* raised an *honorary Tomb* to the Memory of *Drusus*, though his Body had been carried to *Rome*, and deposited in the *Campus Martius* (a): And we often find the Generals raising Tombs to the Honour of those Soldiers whose Bodies could not be found after a Fight. These *Tumuli inanes* or *honoriarii*, when erected to the Memory of particular Persons, were usually kept as sacred as the true Monuments, and had the same Ceremonies performed at them. Thus *Virgil* describes *Andromache* keeping the Anniversary of *Hector's* Death. *Aen.* 3.

*Solemnes tum forte dapes, & tristia dona  
Libabat cineri Andromache, manesque vocabat  
Hectoreum ad tumulum, viridi quem cespite inanem,  
Et geminas, causam lacrymis, sacraverat aras.*

And *Æneas* tells *Deiphobus*, that he has paid him such an Honour.

*Tunc egomet tumulum Rhæteo in litore inanem  
Constitui, & magnâ manes ter voce vocavi:  
Nomen & arma locum servant.* *Æneid.* 6.

(a) *Sueton.* *Clau.d.* cap. 1.

AFTER the FUNERAL, we are to take Notice of the several Rites performed in Honour of the Dead, at the Festivals instituted with that Design. The chief Time of paying these Offices was the *Feralia*, or the Feast of the Ghosts, in the Month of February; but it was ordinary for particular Families to have particular Times for discharging this Duty, as the *Novennalia*, the *Decennalia*, and the like. The Ceremonies may be reduced to these three Heads, Sacrifices, Feasts, and Games; to which if we subjoin the Customs of Mourning, and of the Consecration, we shall take in all that remains on this Subject.

The Sacrifices (which were called *Inferiae*) consisted of Liquors, Victims, and Garlands. The Liquors were Water, Wine, Milk, Blood, and liquid Balsam.

*Hic duo rite mero libans carchesia Baccho  
Fundit bumi, duo lacte novo, duo sanguine sacro.* Vir. Æn. 5.

The Blood was taken from the Victims offered to the *Manes*, which were usually of the smaller Cattle, though in antient Times it was customary to use Captives or Slaves in this inhuman Manner.

The Balsams and Garlands occur every where in the Poets. *Propert. Lib. 3. Eleg. 15.*

*Affere buc unguenta mibi, fertisque sepulcrum  
Ornabit, custos ad mea busta sedens.*

*Tibul. Lib. 2. Eleg. 4.*

*Atque aliquis senior, veteres veneratus amores,  
Annua constructo ferta dabit tumulo.*

Besides these Chaplets, they strowed Flowers about the Monument.

*Purpureosque jacit flores, ac talia fatur.* Æn. 5.

And again, Æn. 6.

*Tu Marcellus eris. Manibus date lilia plenis :  
Purpureos spargam flores ; animamque nepotis  
His saltem accumulem donis, & fungar inani  
Munere.*

The Feasts celebrated in Honour of the Deceased, were either private or public. The private Feasts were termed *Silicernia*, from *Silex* and *Cæna*, as if we should say *Suppers made on a Stone*. These were prepared both for the Dead and the Living. The Repast for the Dead, consisting commonly of Beans, Lettices, Bread, and Eggs, or the like, was laid on the Tomb for the Ghosts to come out and eat, as they fancied they would ; and what was left they burnt on the Stone. Travellers tells us, that the *Indians* at present have a superstitious Custom much of this Nature, putting a Piece of Meat always in the Grave with the dead Body, when they bury in the Plantations.

It was from this Custom, that, to express the most miserable Poverty of Creatures almost starved, they used to say, “ He got his Victuals from the Tombs.” Thus *Catullus* : 57.

*Uxor Meneni, sæpe quam in sepulchretis  
Vidistis ipsa rapere rogo cænam,  
Quum devolutum ex igne prosequens panem  
A semiraso tunderetur usore.*

And *Tibullus*’s Curse is much to the same Purpose : i. 6.

*Ipsa fame stimulante furens, herbasque sepulchris  
Querat, & a saevis offa relicta lupis.*

The private Feasts for the Living were kept at the Tomb of the Deceased, by the nearest Friends and Relations only.

The public Feasts were when the Heirs or Friends of some rich or great Person obliged the People with a general Treat to his Honour and Memory ; as *Cicero* reports of the Funeral of *Scipio Africanus* (a), and *Dio* of that of *Sylla* (b). And *Suetonius* (c) relates, that *Julius Cæsar* gave the People a Feast in Memory of his Daughter. There was a Custom on these Occasions to distribute raw Meat among the Poor, which they termed *visceratio* ; though this was sometimes given without the public Feasts.

The Funeral Games have already been described among the other Shows.

(a) In *Orat. pro Murena*. (b) Lib. 37. (c) Cap. 22.

As to the Custom of Mourning, besides what has been before observed, we may further take Notice of the Time appointed for that Ceremony, and some of the most remarkable Ways of expressing it. “*Numa* (as *Plutarch* tells us “in his Life) prescribed Rules for regulating the Days of Mourning, according to certain Times and Ages. As for Example, a Child of three Years, and so upwards to ten was to be mourned for so many Months as he was Years old. And the longest Time of Mourning, for any Person whatsoever, was not to exceed the Term of ten Months: Which also was the Time appointed to Widows to lament the Loss of their deceased Husbands, before which they could not, without great Indecency, pass unto second Marriage: But in Case their Incontinence was such as could not admit so long an Absence from the Nuptial Bed, they were to sacrifice a Cow with a Calf, for Expiation of their Fault”.

Now *Romulus*'s Year consisting but of ten Months, when *Numa* afterwards added two Months more, he did not alter the Time he had before settled for Mourning; and therefore though after that Time we meet with *luctus annuus*, or a Year's Mourning, used often upon the Death of some eminent Person, we must take it only for the old Year of *Romulus*, or the Space of ten Months.

There were several Accidents which occasioned the concluding of a public or private Mourning before the fixed Time; such as the Dedication of a Temple, the Solemnity of public Games or Festivals, the solemn *Lustring* performed by the *Censor*, and the discharging any Vow made by a Magistrate or General; which, being Times of public Rejoicing, would have otherwise implied a Contradiction.

As to the Tokens of private Grief, they had none but what are common to most Nations, as staying at home for a Time, avoiding all Manner of Recreations and Entertainments, and the like. But in public Mourning, it was a singular Custom to express their Concern by putting a Stop to all Business, and appointing a Vacation till such a Period; of which we have frequent Instances.

The last Ceremony, to be spoken of, was Consecration. This belonged properly to the Emperors; yet we meet with private Consecrations. This was, when the Friends and Relations of the Deceased canonized him, and paid him Worship in private; a Piece of Respect commonly paid to Parents by their Children, as *Plutarch* observes in his *Roman Questions*. Yet the Parents too sometimes conferred the same Honour on their

their deceased Children, as *Cicero* promiseth to do for his Daughter *Tullia*, in the End of his Consolation; and though that Picce be suspected, as we now have it, yet the present Authority loseth nothing of its Force, being cited heretofore by *Laelius*, according to the Copies extant in his Time.

The public Consecration had its Original from the Deification of *Romulus*, but was afterwards discontinued till the Time of the Emperors, on most of whom this Honour was conferred. The whole Ceremony is most accurately described by *Herodian*, in his fourth Book, the Translation of which Place may conclude this Subject.

“ The *Romans* (says he) have a Custom to consecrate those  
“ Emperors, who leave either Sons or designed Successors at  
“ their Death; and those who receive this Honour are said  
“ to be enrolled among the Gods. On this Occasion the  
“ whole City maintains a public Grief, mixed as it were  
“ with the Solemnity of a Festival. The true Body is buried  
“ in a very sumptuous Funeral, according to the ordinary  
“ Method. But they contrive to have an Image of the Em-  
“ peror in Wax done to the Life; and this they expose to  
“ public View, just at the Entrance of the Palace Gate, on  
“ a stately Bed of Ivory, covered with rich Garments of em-  
“ broidered Work and Cloth of Gold. So the Image lies  
“ there all pale, as if under a dangerous Indisposition. Round  
“ the Bed there sit, the greatest Part of the Day, on the Left  
“ Side, the whole Senate in Black; on the Right, the aged  
“ Matrons, who, either upon Account of their Parents or  
“ Husbands, are reputed noble: They wear no Jewels or  
“ Gold, or other usual Ornaments, but are attired in close  
“ white Vests, to express their Sorrow and Concern. This  
“ Ceremony continues seven Days together; the Physicians  
“ being admitted every Day to the Bed, and declaring the  
“ Patient to grow all along worse and worse. At last, when  
“ they suppose him to be dead, a select Company of young  
“ Gentlemen of the Senatorian Order take up the Bed on  
“ their Shoulders, and carry it through the *Holy Way* into the  
“ old *Forum*, the Place where the *Roman* Magistrates used  
“ to lay down their Offices. On both Sides are raised Gal-  
“ leries with Seats one above another; one Side being filled  
“ with a Choir of Boys all nobly descended, and of the most  
“ eminent *Patrician* Families; the other with a like Set of  
“ Ladies of Quality; who both together sing Hymns and  
“ Pæans composed to very mournful and passionate Airs, to  
“ the Praise of the Deceased. When these are over, they take  
“ up the Bed again, and carry it into the *Campus Martius*;

“ where,

“ where, in the widest Part of the Field, is erected a four-square Pile, entirely composed of large Planks, in Shape of a Pavilion, and exactly regular and equal in the Dimensions. This in the Inside is filled up with dry Chips, but without is adorned with Coverlids of Cloth of Gold, and beautified with Pictures and curious Figures in Ivory. Above this is placed another Frame of Wood, much less indeed, but set off with Ornaments of the same Nature, and having little Doors or Gates standing about it. Over this are set a third and fourth Pile, every one being considerably less than that on which it stands; and so others, till they come to the least of all, which forms the Top. The Figure of this Structure, altogether, may be compared to those Watch-Towers, which are to be seen in Harbours of Note, and by the Fire on their Top direct the Course of the Ships into the Haven. After this, hoisting up the Body into the second Frame of Building, they get together a vast Quantity of all Manner of sweet Odours and Perfumes, whether of Fruits, Herbs, or Gums, and pour them in Heaps all about it: There being no Nation, or City, or indeed any eminent Men, who do not rival one another in paying these last Presents to their Prince. When the Place is quite filled with a huge Pile of Spices and Drugs, the whole Order of Knights ride in a solemn Procescion round the Structure, and imitate the Motions of the Pyrrhic Dance. Chariots too, in a very regular and decent Manner, are drove round the Pile, haying the Drivers cloathed in Purple, and bearing the Images of all the illustrious Romans, renowned either for their Counsels and Administration at Home, or their memorable Atchievements in War. This Pomp being finished, the Successor to the Empire, taking a Torch in his Hand, puts it to the Frame, and at the same time the whole Company assists in lighting it in several Places; when on a sudden, the Chips and Drugs catching Fire, the whole Pile is quickly consumed. At last from the highest and smalleſt Frame of Wood, an Eagle is let loose, which, ascending with the Flames towards the Sky, is supposed to carry the Prince’s Soul to Heaven.”

## C H A P. XI.

*Of the ROMAN Entertainments.*

**T**HE peculiar Customs of the *Romans*, with Reference to Eating and Drinking, will easily fall under the three Heads, of the Time, the Place, and the Manner of their Entertainments. As to the first, the *Romans* had no proper Repast besides Supper, for which the ordinary Time was about the ninth Hour, or our Three o'Clock. Thus *Martial* reckoning up the Business of every Hour, iv. 8.

*Imperat exstruclos frangere nona toros.*

But the more frugal made this Meal a little before Sun-set, in the Decline of the Day: To which *Virgil* might possibly alude, though speaking of the Customs of *Carthage*, and of its Queen, when he says,

*Nunc eadem labente die convivia quærit.*    *AEn.* 4.

On the other Side, the Voluptuous and Extravagant commonly began their Feasts before the ordinary Hour. Thus *Horace*, Book 1. Od. 1.

*Nec partem solidō demere de die  
Spernit.*

And *Juvenal*, Sat. 10.

*Exul ab octava Marius bibit.*

Those, that could not hold out till Supper, used to break their Fast in some other Part of the Day, some at the second Hour, some at the fourth, answering to our eight and ten; some at the sixth, or about Noon; others at the eighth, or our two, as their Stomachs required, or their Employments gave them Leave. At this Time they seldom eat any Thing but a Bit of dry Bread, or perhaps a few Raisins or Nuts, or a little Honey. From the different Hours of taking this Breakfast, it is likely that the *jentaculum*, *prandium*, *merenda*, &c. had their Original, being really the same Repast made by several Persons at several Times (*a*).

(*a*) *Dacier* on *Horace*, Book 1. Od. 1.

The *PLACE*, in which the *Romans* eat, was antiently called *Cœnaculum*. *Seneca*, *Suetonius*, and others, stile it *Cœnatio*. But the most common Appellation, borrowed from the *Græcians*, was *Triclinium*. *Servius* on the first of the *Aeneids* at that Verse,

*Aureâ composituit spondâ mediumque locavit,*

takes an Occasion to reprehend those Grammarians who will have *Triclinium* to signify a Room to sup in, and not barely a Table. Yet, (to omit a tedious Number of Citations from other Authors) *Tully* himself useth the Word in that Sense: For in one of his Epistles he tells *Atticus* (a), that, when *Cæsar* came to *Philippi*, the Town was so full of Soldiers, as to leave *Cæsar* scarce a *Triclinium* to sup in.

Antiently the *Romans* used to Sup sitting, as the *Europeans* at present, making use of a long Table.

*Perpetuis feliti patres confstere mensis.* Virg. *Æn.* 8.

Afterwards the Men took up a Custom of lying down; but the Women for some Time after still kept sitting, as the most decent Posture (b). The Children too of Princes and Noblemen, for the same Reason, used to sit at the Backs of Couches (c), whence, after a Dish or two, they withdrew without causing any Disturbance. Yet as to the Women, it is evident, that in latter Times they used the same Posture at the Table as Men. Thus *Cicero* in an Epistle to *Pætus*, telling him of one *Clyteris*, a Gentlewoman that was lately at a Treat with him, makes use of the Word *accubuit*. And *Ovid*, in his fourth Love-Elegy of the first Book, adviseth his Mistresses about her Carriage at the Table before her Husband,

*Cum premet ille torum, vultu comes ipsa modesto  
Ibis, ut accumbas—*

And *Suetonius* relates, That, at an Entertainment of the Emperor *Caligula*, he placed all his Sisters one by one below himself, *uxore supra cubante*, “ his Wife lying above him.”

When they began thus to lie down, instead of sitting at Meat, they contrived a Sort of Beds or Couches of the same Nature with those on which they slept, but distinguished from them by the Name of *Leæti tricliniorum*, or *tricliniares*, the others being called *leæti cubicularii*.

(a) Lib. 15. Epist. 50. (b) *Val. Max.* lib. 2. cap. 1. (c) *Tacitus Ann.* 13. *Suetonius Claud.* cap. 32.

They

They were made in several Forms, but commonly four-square, sometimes to hold three or four, sometimes two Persons, or only one. Yet in the same Entertaining-Room, it was a Rule to have all the Couches of the same Shape and Make. After the round Citron-Tables grew in Fashion, they changed the three Beds (which denominated the *Triclinium*) for the *Stibadium*, one single large Couch in the Shape of a Half-Moon, or of the *Græcian Sigma*, from which it sometimes borrowed its Name, as in *Martial*.

*Accipe lunata scriptum testudine sigma.*

These *Stibadia* took their several Names from the Number of Men that they held; as the *Hexaclinus* for Six, the *Hephaclinion* for Seven, and so on.

The higher the Beds were, the more noble and stately, and the more decent too they were thought. Hence *Virgil*, *AEn. 2.*

*Inde toro pater Aeneas sic orsus ab alto.*

And again, *AEn. 6.*

— *Lucent genialibus altis*  
*Aurea fulcra toris* —

On the contrary, low Couches were looked on as so extremely scandalous, that (as *Valerius Maximus* tells the Story) one *Aelius Tubero*, a Man of great Integrity, and of very noble Progenitors, being a Candidate for the Praetorship, lost the Place, only for making Use of a low Sort of Supping-Beds, when he gave the People a public Entertainment (*a*).

On the Beds they laid a Kind of Quilts, stuffed with Feathers, Herbs, or Tow; which they called *culcitræ*. Over these they threw in antient Times nothing but Goats-Skins, which they afterwards changed for the *fragula*, Coverlids or Carpets: These we sometimes find under the Name of *toralia*, on Account of their belonging to the *torus*. Thus in *Horace*,

— *Ne turpe toral ne sordida mappa*  
*Corruget nares.*      Lib. 2. Epist. 5.

And again,

*Et Tyrias dare circum illota toralia vestes.*      Lib. 2. Sat. 4.

(*a*) *Val. Max.* Lib. 7. cap. 2.

On the Carpets were laid *Pulvini*, or Pillows, for the Guests to lean their Backs on.

It would be endless to describe the Variety and Richness of the Furniture with which they set off their Tables. It will be enough to observe from *Pliny*, that, when *Carthage* was finally destroyed by *Scipio Africanus*, the whole Mass of Treasure found in that City, which had so long contended for Riches, Glory, and Empire, with *Rome* itself, amounted to no more than what, in *Pliny's* Time, was often laid out in the Furniture of a Table (a).

As to the Manner of the Entertainment, the Guests in the first Place bathed with the Master of the Feast, and then changed their ordinary Cloaths for the *vestis convivalis*, or *cænatoria*, a light Kind of a Frock; at the same Time having the *Soleæ* pulled off by their Slaves, that they might not foul the fine Carpets and Furniture of the Beds. And now taking their Places, the first Man lay at the Head of the Bed, resting the Fore-Part of his Body on his Left-Elbow, and having a Pillow or Bolster to prop up his Back. The next Man lay with his Head towards the Feet of the first, from which he was defended by the Bolster that supported his own Back, commonly reaching over to the Navel of the other Man; and the rest after the same Manner. Being settled on the Beds, in the next Place they washed their Hands:

— *Stratoque super discumbitur ostro;*  
*Dant manibus famuli lymphas,* Virg. Æn. i.

After this they were served with Garlands of Roses, and whatever other Flowers were in Season, which they did not wear only on their Heads, but sometimes too about their Necks and Arms. This too was the Time to present them with Essences and Perfumes.

The Number of Guests is by *A. Gellius* stated according to *Varro*, that they should not be fewer than three, or more than nine; either to express the Number of the *Graces* or the *Muses*.

The most honourable Place was the middle Bed, and the middle of that. *Horace* describes the whole Order of Sitting in his eighth Satyr of the second Book:

- *Summus ego, & prope me Viscus Sabinus, & infra,*  
*Si memini, Varius: cum Servilio Balatrone*
- *Vibidius, quos Mæcenas adduxerat umbras,*  
*Nomentanus erat super ipsum, Porcius infra.*

(a) *Nat. Hist.* lib. 33. cap. 11.

So that *infra aliquem cubare* is the same as to lie in one's Bosom, as St. John is said to have done in our Saviour's; whence learned Men have thought, that either the same Custom was observed in almost all Nations; or else that the Jews, having been lately conquered by Pompey, conformed themselves in this, as in many other Respects, to the Example of their Masters.

At the Beginning of the Feast they lay on their Bellies, their Breasts being kept up with Pillows, that they might have both their Hands at Liberty; but towards the End, they either rested themselves on their Elbows, as *Horace* says,

*Languidus in cubitum jam se conviva reponet.* Sat. ii. 4. 38.

And in another Place,

*Et cubito remanete presso.* Carm. i. Od. 27.

or if they had not a Mind to talk, they lay all along; all which Postures are to be seen in the old Marbles, which present the Figure of an Entertainment.

They seem to have brought in the several Courses in Tables, and not by single Dishes; as *Servius* observes on that of *Virgil*, *Aen.* i. 723.

*Postquam prima quies epulis, mensæque remotæ.*

But some will understand by *mensæ* in that Place, rather the Dishes than the Tables, because it follows presently after,

*Dixit, & in mensa laticum libavit honorem.*

unless we suppose that as soon as the Table of Victuals was removed, another was set in its Place for Drinking.

They wanted no Manner of Diversion while they were eating, having ordinarily Music and antic Dances, and in antient Times Combats of *Gladiators*.

*Plutarch* tells us, that *Julius Cæsar*, once in a Treat which he made for the People, had no less than 22000 *Triclinia*, which may give an Idea of their public Entertainments.

## C H A P. XII.

## Of the ROMAN Names.

**T**HE Roman Names, which many Times grievously puzzle ordinary Readers, may be divided into four Sorts, the Names of the *Ingenui*, or Free-born, the Names of the Freed-Men and Slaves, the Names of the Women, and the Names of adopted Persons.

The *Ingenui* had three distinct Names, the *Prænomen*, the *Nomen*, and the *Cognomen*. Hence *Juvenal*, Sat. v. 126.

—*Si quid tentaveris unquam  
Hiscere, tanquam habeas tria nomina*—

The *Prænomen* answers to our *Christian Name*, but was not imposed till the assuming the *Manly Gown*. The Names of this Sort most in Use, together with the initial Letters which ordinarily stand for them in Writing, are as follow:

A. *Aulus*, C. *Caius*, D. *Decius* and *Decimus*, K. *Cæs*o, L. *Lucius*, M. *Manius* and *Marcus*, N. *Numerius*, P. *Publius*, Q. *Quinctius*, T. *Titus*.

AP. *Appius*, CN. *Cneus*, SP. *Spurius*, TI. *Tiberius*, MAM. *Mamercus*, SER. *Servius*. SEX. *Sextus*.

The *Nomen* immediately followed the *Prænomen*, answering to the *Græcian Patronymics*. For as among them the Posterity of *Æacus* had the Name of *Æacidæ*, so the Julian Family in *Rome* were so called from *Iulus* or *Ascanius*. But there were several other Reasons which gave Original to some of the *Prænomens*, as living Creatures, Places, and Accidents, which are obvious in reading.

The *Cognomen* was added in the third Place, on the Account of distinguishing Families, and was assumed from no certain Cause, but usually from some particular Occurrence. But this must be understood principally of the first Original of the Name, for afterwards, it was hereditary, though frequently changed for a new one.

Grammarians usually add a fourth Name, which they call *Agnomen*; but this was rather an honourable Title; as *Cato* was distinguished by the constant Epithet of the *Wise*, *Crassus* of the *Rich*: And hence came the *Africani*, the *Asiatici*, the

the *Macedonici*, &c. *Tull*; frequently uses *Cognomen* to signify these Appellations ; and therefore there is no Need of being so scrupulous, as to express ourselves in these Cases by the fourth Word.

The Slaves in antient Times had no Name but what they borrowed from the *Prænomen* of their Masters, as *Lucipor*, *Publipor*, *Marcipor*, that is, *Lucii puer*, *Publii puer*, &c. (a). When this Custom grew Obsolete, the Slaves were usually called by some proper Name of their own, sometimes of *Latin* sometimes of *Græcian* Original ; this was very often taken from their Country, as *Davus*, *Syrus*, *Geta*, &c. Upon their Manumission they assumed the *Prænomen* and the *Nomen* of their Masters ; but instead of the *Cognomen*, made use of their former Name ; as *Marcus Tullius Tiro*, the freed Man of *Cicero*. After the same Manner it was customary for any Foreigner who had been made a free Denizen of *Rome*, to bear the *Nomen* and the *Prænomen* of the Person on whose Account he obtained that Privilege.

The Women had antiently their *Prænomens* as well as the Men, such as *Caia*, *Cæcilia*, *Lucia*, &c. But afterwards they seldom used any other besides the proper Name of their Family, as *Julia Marcia*, and the like. When there were two Sisters in a House, the distinguishing Terms were *Major* and *Minor*; if a greater Number, *Prima*, *Secunda*, *Tertia*, *Quarta*, *Quinta*, or by Diminution, *Secundilla*, *Quartilla*, and *Quintilla*.

Adopted Persons assumed all the three Names of him who thus favoured them ; but as a Mark of their proper Descent, added at the End either their former *Nomen* or *Cognomen* ; the first exactly the same as before, (as *Q. Servilius Cepio Agalo Brutus*, the Name of *M. Junius Brutus*, when adopted by *Q. Servilius Cepio Agalo* :) The other with some slight Alteration, as *C. Octavius*, when adopted by *Julius Cæsar*, was called *C. Julius Cæsar Octavianus*.

Though the Right and the Ceremony of *Adoption* be a Subject properly belonging to the Notice of civil Lawyers ; yet it cannot be amiss to give some little Hints about the Nature of that Custom in general. Every one knows the Meaning of the Word, and that to *adopt* a Person was to take him in the Room of a Son, and to give him a Right to all Privileges which accompanied that Title. Now the Wisdom of the *Roman Constitution* made this Matter a public Con-

(a) *Quintilian Institut.* lib. 1. cap. 4. *Plin. N. H.* lib. 23. cap. 1.

cern. When a Man had a Mind to *adopt* another into his Family, he was obliged to draw up his Reasons, and to offer them to the College of the *Pontifices*, for their Approbation. If this was obtained, on the Motion of the *Pontifices*, the *Consul*, or some other prime Magistrate, brought in a Bill at the *Comitia Curiata*, to make the Adoption valid. The private Ceremony consisted in buying the Person to be *adopted*, of his Parents, for such a Sum of Money, formally given and taken; as *Suetonius* tells us, *Augustus* purchased his Grandsons *Caius* and *Lucius* of their Father *Agrippa*.

*Aulus Gellius* makes a Distinction between *Adoptio* and *Arrogatio*; as if the former belonged only to the Care of the *Prætor*, and was granted to Persons only under Age; the latter to the Cognizance of the People, and was the free Act of Persons grown up, and in their own Power: But we learn from almost every Page of History, that the *Romans* were not so nice in their Practice, as he is in his Observation.

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## C H A P. XIII.

### Of the ROMAN Money.

**I**N enquiring into the Difference and Value of the *Roman* Coins, we may begin with the lowest Sort, that of *Bras*. The *Æs* then, or most antient Money, was first stamped by *Servius Tullius*, whereas formerly it was distinguished only by Weight, and not by any Image. The first Image was that of *Pecus*, or small Cattle, whence it took the Name of *Pecunia*. Afterwards it had on one Side the Beak of a Ship, on the other a *Janus*; and such were the Stamps of the *As*; for as to the *Triens*, *Quadrans*, and *Sextans*, they had the Impression of a Boat upon them. A long Time did the *Romans* use this and no other Money, till after the War with *Pyrrhus*, A. U. C. 484, five Years before the first *Punic* War, Silver began to be coined. The Stamps upon the Silver *Denarii* are for the most Part Waggons, with two or four Beasts in them on the one Side, and on the Reverse the Head of *Rome*, with an Helmet. The *Victoriati* have the Image of Victory sitting, the *Sestertii* usually *Castor* and *Pollux* on the one Side, and both on the Reverse the Image of the City; this Custom continued during the Commonwealth,

*Augustus*

*Augustus* caused *Capricorn* to be set upon his Coin, and the succeeding Emperors ordinarily their own Effigies. Last of all came up Coin of Gold, which was first stamped sixty-two Years after that of Silver, in the Consulship of *M. Livius Salinator*, with the same Stamp and Images. So much for the several Kinds of Money; we may now proceed to the several Pieces under every Kind.

The *As* was so named *quasi Æs*, or Brads, being of that Metal, and at first consisted of 1 lb. Weight, till in the first *Punic War*, the People, being greatly impoverished, made 6 *Affes* of the same Value out of one. In the second *Punic War*, *Hannibal* pressing very hardly upon them, and putting them to great Shifts, the *Affes* were reduced to an Ounce a-piece; and in Conclusion, by a Law of *Papyrius*, were brought down to half an Ounce, and so continued. The *As* contained the tenth Part of the *Denarius*, and was in Value of our Money about *ob. qua.* The *Semifissis*, or *Semi-æs*, half as much. The *Triens* was the 3d Part of the *As*, the *Quadrans* the 4th, by some called *Triuncis* and *Teruncius*, because it contained 3 Ounces, before the Value was diminished. The *Sextans*, or 6th Part, was that which every Head contributed to the Funeral of *Menenius Agrippa*. But these were not sufficient for Use, and therefore there were other Pieces made, as the *Uncia*, or 12th Part of the Pound, the *Semuncia* of the Weight of 4 *Drachms*, and the *Sextula*, or 6th Part of an Ounce. *Varro* speaks too of the *Decussis*, in Value 10 *Affes*, or of a *Denarius*; the *Vicessis* of two *Denarii*, and so upwards to the *Centussis*, the greatest Brass Coin, in Value 100 *Affes*, 10 *Denarii*, and of our Money 6*s. 3d.*

For the Silver Money, the old *Denarius* was so named, because it contained *Denos Æris* or *Affes*, 10 *Affes* though its Weight and Value was not at all Times alike: For the old *Roman Denarius*, during the Commonwealth, weighed the 7th Part of an Ounce, and was in Value of our Money 8*d. ob. q.* with  $\frac{1}{7} c$ ; but the new *Denarius*, which came up in the Time of *Claudius*, or a little before, weighed exactly an *Attic Drachm*; so that the *Greek Writers*, when they speak of it, for every *Denarius* mention a *Drachm*, which of our Money was worth 7*d. ob.* Computations are generally made with Reference to this new Sort of *Denarius*; if Respect be had to the more antient Times, then all Reckonings are to be increased one 7th Part, for just so much the old one exceeded the new. When we meet with *Bigatus* and *Quadrigatus*, we must understand the same Coin as the *Denarius*, so cal-

led from the *Bigæ* and *Quadrigæ* stamped upon it. There was another Coin called *Victoriatus*, from the Image of Victory upon it, first stamped in *Rome* by an Order of *Clodius*, in Value half a *Denarius*, and therefore named also *Quinarius*, as containing the Value of five *Affes*: It was worth of our Money 3*d. ob. q.* The next that follows, and which makes so much Noise in Authors, is the *Sestertius* so called *quasi Sesquitertius*, because it contained two *Affes* and an half, being half the *Victoriatus*, and a fourth Part of the *Denarius*. It is often called absolutely *Nummus*, because it was in most frequent Use, as also *Sestertius Nummus*: It was worth of our Money 1*d. ob. qu. q.* The *Obolus* was the sixth Part of the *Denarius*, equal to the *Attic obolus*, as much as 1*d. qu.* with us. The *Libella* was the tenth Part of the *Denarius*, and equal in Value to the *As*; so called as a little Pound, being supposed equal to a Pound of Brass, worth of our Money *ob. qu.* The *Sembella*, as if written *Semi-libella*, was half this. And lastly, the *Teruncius* was the fortieth Part of a *Denarius*; so named, because it was worth three Ounces of Brass, being inconsiderable in Value, and next to nothing.

To come at last to the golden Coins; those most remarkable were the *Aurei Denarii*, so termed, either because they had the same Stamp as the Silver *Denarii*, or because in Size they much resembled them. The old *Aureus*, stamped during the Commonwealth, weighed two Silver *Denarii*; worth of our Money 17*s. 1d. ob qua.* The new *Aureus*, stamped about the Beginning of the Empire, was lighter than the former by one seventh Part, weighing two *Drachms*; worth about 15*s.* of our Money. Thus they continued *Didrachmi* for the Time of the first five *Cæsars*; and then lost much in their Weight by the Fraud and Avarice of the succeeding Princes. In *Nero's* Time they wanted a few Grains, under *Galba* a little more, under *Nerva*, *Trajan*, and *Adrian*, no fewer than eight; under *Vespasian* ten, and the like under *Antoninus Pius*, *M. Aurelius Severus*, and others. *Domitian*, indeed, had in his Reign restored to the *Aurei* their full Weight of two *Drachms*, and so did *Aurelian* afterwards, which was the last Regulation of the Matter, while *Rome* continued to be the Seat of Empire.

The Marks of the ordinary Coins are as follow: The *As*, because at first it was a Pound Weight, is thus expressed, L. and the *Sestertius*, because it contained in Value two Pounds

of Brass and an Half, thus, HS - or LLS. The Mark of the *Quinarius* or *Victoriatus* was  $\Lambda$ . and of the *Denarius* X or  $\vdash$ .

The Sums in Use among the *Romans* were chiefly three; the *Sestertium*, the *Libra*, and the *Talent*. The *Sestertium* contained a thousand *Sestertii*, about 7*l.* 16*s.* 3*d.* of our Money. We do not, indeed, find it in any antient Author in the singular Number, as now it is used, but we very often meet with it in the Plural, though with the same Signification. In reckoning by *Sesterces*, the *Romans* had an Art, which may be understood by these three Rules. The first is, if a Numeral Noun agree in Case, Gender and Number, with *Sestertius*, then it denotes precisely so many *Sestertii*, as *decem Sestertii*, just so many. The Second is this, if a Numeral Noun of another Case be joined with the Genitive Plural of *Sestertius*, it denotes so many thousand, as *decem Sestertium* signifies ten thousand *Sestertii*. Lastly, if the Adverb Numeral be joined, it denotes so many hundred thousand, as *decies Sestertium* signifies ten hundred thousand *Sestertii*; or if the Numeral Adverb be put by itself, the Signification is the same; *Decies* or *Vigesies* stand for so many hundred thousand *Sestertii*, or as they say, so many hundred *Sestertia*.

The *Libra*, or Pound, contained twelve Ounces of Silver, or ninety-six *Drachms*, or latter *Denarii*, and was worth of our Money 3*l.*

The third Sum was the *Talent*, which contained twenty-four *Sestertia*, and six thousand latter *Denarii*, being the same with the Attic *Talent*: For the Names of *Talent*, *Mina*, and *Drachma*, the *Romans* took from the *Greeks*, as the *Greeks* borrowed from them the *Libra* and the *Uncia*. The *Talent* was worth of our present Money 18*l.* 10*s.*

We meet too with a lesser Sum, termed the *Sportula*, being what the rich Men gave to every one of their Clients, after having waited upon them in public, and now and then at other Times, as they pleased to appoint. It was in Value about a hundred *Quadrantes*, or 18*d. ob. qua.* Formerly, instead of this Sum, they used to deal a Dole to the Clients without the Door, who received the Victuals in a little Basket made of a Kind of Broom, called *Sportum*.

# I N D E X.

A.

	<i>ALEXANDER SEVERUS</i>
	(Emp.)
<i>Alicata Chlamys</i>	23
<i>Allocutio</i>	310
<i>Ambarvalia</i>	210
<i>Ambire magistratum</i>	66
<i>Ambitus</i>	106
<i>Ampliatio</i>	138
<i>AMULIUS</i>	140
<i>Anabatæ</i>	2, 3
<i>ANCUS MARTIUS</i>	277
<i>Ancylia</i>	4
<i>Anabatæ (a Sort of Gladiators)</i>	74
<i>Actuarius</i>	277
<i>Ad bestias</i>	123
<i>Ad ludos</i>	147
<i>Ad metallæ</i>	ibid.
<i>Addictio</i>	Animadversio
<i>Adoption</i>	338
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# SCRIPTORES

Qui in duodecim Tomis Thesauri Antiquitatum *Romanarum* a Magno  
GRÆVIO congesti inveniuntur.

## T O M. I.

**O**CTAV. Ferrarius de Origine Romanorum.  
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Onuphrius Panvinius de civitate Romana,  
— De imperio Romano.

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Nicolaus Gruchius de Comitiis Romanorum.

— Responsio ejusdem ad binas C. Siganii Reprehensiones.

Caroli Siganii posterior cum Nicolao Gruchio disputatio, de binis  
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Nicolai Gruchii ad posteriorem C. Siganii disputationem refutatio.

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## T O M. II

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*Petri*

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— De Terræ Motu, & Fulminibus.
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*Lazarus*

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— De Tunicâ Romanorum.

— De Tibiis Veterum.

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T O M. VII.

*Ricardus Streinnius de Gentibus & Fainiliis Romanorum.*

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